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**COUNCIL/REORGANIZATIONAL MEETING  
COUNCIL CHAMBERS  
MONDAY, JANUARY 4, 2010  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)**

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by President Jaworski.

ROLL CALL: Present: Noman, Szymanski, Kulczyk, Schiavi, Jaworski  
DEPT. HEADS: Present: Law, Public Works, Public Safety, Recreation, Development

**REORGANIZATION:**

**Voting Order:**

1. Council President Jaworski recommends the voting order remain at 1st Ward, 2<sup>nd</sup> Ward, 3<sup>rd</sup> Ward, 4<sup>th</sup> Ward respectively followed by the Council President's vote.

Moved by Jaworski, seconded by Kulczyk to approve the voting order as presented.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Council President Pro-Tempore:**

2. Council President Jaworski recommends Geoffrey Szymanski for Council Pro Tempore for the 2010 year.

Moved by Jaworski, seconded by Schiavi to receive and file and act on the resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Official Newspaper:**

3. Council President Jaworski recommends the Front Page, 2703 South Park Ave, Lackawanna, NY as the designated official newspaper for the 2010 year.

Moved by Jaworski, seconded by Schiavi to receive and file and act on the resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Council Meeting Dates 2010:**

4. Council President Jaworski requests approval of resolution designating the Council dates for the year 2010.

Moved by Jaworski, seconded by Szymanski to receive and file and act on the resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Approval of Minutes:**

Moved by Schiavi, seconded by Szymanski to adopt the minutes of December 21, 2009.

Abstained: Noman

Yeas: Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**Hearings from Citizens on Agenda Items Only:**

**Communications from the Mayor: Health Insurance**

5. To: City Council

Mayor Polanski advises the Council that the City will be seeking proposals from Health Insurance Carriers due to a 25% increase in rates of Independent Health for 2010.

Moved by Jaworski, seconded by Szymanski to receive and file.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**Communication from Department Heads:**

**Banking Depositories:**

To: City Council

**Robert C Marciniak, City Comptroller** recommends the following banking facilities as City Depositories: M&T Trust Co., First Niagara Bank, J.P. Morgan Bank, and HSBC.

Moved by Jaworski, seconded by Szymanski to grant the recommendation.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**Advertise for Bids for 2010 Truck:**

7. To: City Council

**Thomas J. Nicometo, Purchasing Agent** – requesting permission to advertise for bids for the purchase of a 2010 Ford Ranger XLT.

Moved by Jaworski, seconded by Schiavi to grant the request.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**Winter Fest 2010:**

8. To: City Council

**James S. Sieracki, Youth Director** – request permission to hold the 2010 Winter Fest Saturday, February 6, 2010 from 1 pm to 5 pm at the Senior Center.

Moved by Jaworski, seconded by Szymanski to grant the request.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**Resolution #1, 2010 – Council President Pro-Tempore:**

**Whereas**, Chapter 3, subsection 3.5 of the City Charter of the City of Lackawanna provides that the City Council select from it's members a Council President Pro-tempore who shall serve in place of the Council President in the event of the Council President's absence or disability, and

**Whereas**, the Council President Pro-Tempore, selected by the City Council shall serve as Council Pro-Tempore for a term of one year, expiring December 31, 2010; and

**Now therefore be it resolved**, that Geoffrey Szymanski, Council Member of the 2<sup>nd</sup> Ward, be and is hereby selected to be the Council President Pro-tempore for the year 2010.

This Resolution shall take effect immediately.

Moved by Schiavi, seconded by Jaworski to adopt the resolution as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Resolution #2, 2010 – Council Meeting Dates 2010:**

**Whereas**, Chapter 3, Section 3.7 of the Lackawanna City Charter provides for meeting dates of the Lackawanna City Council; and

**Whereas**, the City Council is desirous of complying with the Charter and the Open Meeting Law of New York State.

**Be It Resolved**, the following meeting dates for the Council meetings for the year 2010 shall be as follows:

Monday January 4 (Reorganization & Regular Mtg.)	
Tuesday January 19	Monday July 12
Monday February 1	Monday August 16
Tuesday February 16	Tuesday September 7
Monday March 1	Monday September 20
Monday March 15	Monday October 4
Tuesday April 6	Monday October 18
Monday April 19	Monday November 8
Monday May 3	Monday November 22
Monday May 17	Monday December 6
Tuesday June 1	Monday December 20
Monday June 14	

**Be It Resolved**, that all council meetings shall be held in City Hall unless deemed otherwise by the Council; and

**Be It Further Resolved**, that a copy of this resolution be posted on the centrally located bulletin board, the City Clerk's office and Treasurer's office.

**This resolution shall take effect immediately.**

Moved by Schiavi, seconded by Szymanski to adopt the resolution as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Resolution #3, 2010 – Official Newspaper:**

Whereas, Chapter 2, Section 2.9 of the City Charter of the City of Lackawanna, by resolution, designates a newspaper having general circulation and published within the City to serve as the “Official Newspaper” of the City.

Now Therefore, **Be It Resolved**, that the Front Page, 2703 South Park Avenue, Lackawanna, New York is hereby designated as the official newspaper for the City of Lackawanna,

**This Resolution Shall Take Effect Immediately.**

Moved by Schiavi, seconded by Szymanski to adopt the resolution as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**ORDINANCE – AMENDING SECTION 5-32 AND REENACTING IT AS FOLLOWS:**

**Be It Enacted** by the City Council that Section 5-32 entitled addressing council be rescinded and reenacted as follows:

1. Section 5-32. Addressing Council:
  - A. Matter which may be discussed. Any person desiring to address the Council at a regularly scheduled council meeting may do so, providing that his or her business falls under the following headings:
    1. Written communications. Interested parties or their authorized representatives may address the Council by written communication in regard to matters then under discussion by the council provided the request to address the council in writing is received and filed by the City Clerk on or before noon on the Wednesday prior to the meeting.
    2. Oral communications. Taxpayers or residents of the City, or their authorized legal representatives, may address the Council on any matter concerning the City’s business and which is an agenda item for that meeting, provided, however, that preference shall be given to those persons who have notified the City Clerk in advance of their desire to speak on the agenda item covered at the meeting. Persons granted the privilege to speak before the Council shall limit their remarks to the agenda item and shall be given the floor once.
    3. Reading of protests, etc. Interested persons, or their authorized representatives, may address the Council by the reading of protests, petitions or communications relating to zoning, sewer and street proceedings on agenda items only. Hearing on protests, appeals and petitions of similar matters by the Council rests solely in the discretion of the Council’s presiding officer. These persons must state their names and addresses and the organizations which they are representing.
  - B. Addressing Council after motion made. No person shall address the Council after a motion is made by the Council without first receiving the approval of the Presiding Officer.

- C. Manner of Addressing Council; time limit. Each person, after having received permission from the Presiding Officer to address the Council, shall step in front of the rail, give his or her name address in an audible tone of voice for the records, and unless extra time is granted by the Council, shall limit his or her address to three minutes. All remarks shall be addressed to the Council as a body and not to any member thereof. No person other than the Council and the person having the floor shall be allowed to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. All questions shall be asked through the Presiding Officer.
- D. Decorum by persons addressing Council. Any person making personal, impertinent or slanderous remarks or any person who shall become boisterous while addressing the Council shall forthwith be barred from the audience by the Presiding Officer.

**THIS ORDANCE SHALL TAKE EFFECT IMMEDIATELY ONLY AFTER THE APPROVAL AND SIGNATURE OF THE MAYOR OF SAID ORDINANCE.**

Moved by Schiavi, seconded Kulczyk that the meeting be adjourned.

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**JACQUELINE A. CAFERRO, CITY CLERK**



**COUNCIL MEETING**  
**Tuesday, January 19, 2010**  
**COUNCIL CHAMBERS**  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by President Jaworski.

ROLL CALL: Present: Noman, Szymanski, Kulczyk, Schiavi, Jaworski  
Dept. Heads Present: Law, Public Safety, Recreation, Development, Comptroller  
Absent: Public Works, excused

**Approval of minutes** of regular/organization meeting of January 4, 2010.

Moved by Schiavi, seconded by Kulczyk to approve the minutes as presented  
Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**Departmental Reports:**

1. City Clerk – Monthly report for December, 2009.
2. City Compt. – A/P Check Listing #21, December, 17, 2009.
3. City Treas. – Receipts deposited into general fund-Dec. 2009.
4. City Compt. –A/P Check Listing #22, December 31, 2009.

Moved by Jaworski, seconded by Schiavi to receive and file.  
Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**Communications from the Mayor:**

**Lack of Federal Aid:**

5. To: City Council  
Recently, the Buffalo News reported that a massive bill of 1.1 trillion dollars was passed by congress. Western New York was getting forty (40) million dollars. Call it congressional pork or legislative earmarks or simply our local representatives making sure they get their fair share. We in the City of Lackawanna did not receive anything. It is apparent that Senator's Gillibrand and Schumer and Congressman Higgins have forgotten the City of Lackawanna again, as usual. We as a community should forget them.  
Three million dollars more for the waterfront projects, when will they improve South Park Avenue? This letter is to inform the council and our citizens about the lack of concern from our representatives for the City of Lackawanna.

**NORMAN L. POLANSKI, JR., MAYOR**

Moved by Jaworski, seconded by Schiavi to receive and file.

Yeas: Noman, Kulczyk, Schiavi, Jaworski

Nays: Szymanski

**CARRIED 4-1**

**St. Patrick's Day Parade:**

6. To: City Council

I am requesting you Honorable Body to grant permission for the Limestone Hill Gang's annual St. Patrick's Day Parade and Festivities. The event will take place on Wednesday, March 17<sup>th</sup>, 2010, and they are requesting a permit, a podium and to raise the Irish Flag. Thank you in advance for your cooperation.

**NORMAN L. POLANSKI, JR., MAYOR**

**CHUCK JAWORSKI, COUNCIL PRESIDENT**

Moved by Schiavi, seconded by Kulczyk to approve request

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**Communications from the City Council:**

**Marriage Officer – Noman:**

7. To: City Council

I am requesting the Council's support to appoint First Ward Councilmember, I Abdul Noman as a Marriage Officer for the City of Lackawanna, New York.

I appreciate your help in this matter.

**CHUCK JAWORSKI, COUNCIL PRESIDENT**

Moved by Schiavi, second by Szymanski to receive and file and act on the resolution.

Yeas: Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 4-0**

Abstained: Noman

**Communications from Department/Division Heads:**

**2009 Tabled Items:**

8. To: City Council

The following are items tabled by the City Council. Per a policy established by the City Council in 1991, all tabled items are null and void after ninety (90) days. Please receive and file the following items:

**Meeting of** **Reference:**

03/02/09 Cost assistance to the Historical Assoc. for Centennial book pub.

03/16/09 Sale of 2 N.Steelawanna to Lardon Construction

04/20/09 Restore NY Stimulus

06/01/09 Reverse 911 systems

06/15/09 Sale of property – 15 Colton

07/09/09 Entertainment License – Ernie Weber’s Restaurant  
09/01/09 O’Connell & Assoc. as grant writers for the city  
10/05/09 Stop signs on Center Street

**JACQUELINE CAFERRO, CITY CLERK**

Moved by Jaworski, seconded by Szymanski to receive and file.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**Bingo Inspectors:**

9. To: City Council

I am requesting the approval for the appointment of the following three (3) bingo inspectors for the City of Lackawanna for a two (2) year appointment.

Connie Bauer; Leonard Marcinkowski; Dikra Saleh

These appointments will expire December 31, 2011.

Moved by Schiavi, seconded by Jaworski to approve the appointments.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**Sale of Property – Wasson, Hamburg Tpk, & Steelawanna:**

10. To: City Council

My office as received an offer from NRP Group LLC to purchase the above-mentioned properties for the construction of a single family home. The combined assessed value of all parcels is \$21,100; the NRP Group LLC is offering \$15,000 for the land.

It is my recommendation that the City Council sell the parcels to the NRP Group LLC for \$15,000. This offer is contingent upon the approval of the sales contract by the City Council and Law Department.

116 Wasson – SBL#141.11-1-6

2256 Hamburg Tpk – SBL#141.11-1-36.1

73 Steelawanna – SBL#141.43-2-26.1

34-44 Steelawanna – SBL#141.43-4-2.11

**FRANK E. KRAKOWSKI, CITY ASSESSOR**

Moved by Jaworski, seconded by Szymanski to approve the sale of the property, City Attorney to prepare the necessary ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**Resolution #4, 2010 – Marriage Officer:**

**WHEREAS**, New York State on April 15, 1988 amended the Domestic Relations Law A-1077, allowing the governing body of a municipality the right to appoint Marriage Officers for period not to exceed four years, effective January 1, 1988, and;

**WHEREAS**, the Marriage Officers shall have the authority to solemnize marriages in the municipality which makes said appointments, and;  
**WHEREAS**, the Lackawanna City Council is desirous of appointing a marriage officer in conformance with the Domestic Relations Law,  
**THEREFORE, BE IT RESOLVED**, that Abdul S. Noman, be and he is hereby appointed as a Marriage Officer for the City of Lackawanna, said term not to exceed four years, a limitation as imposed by the law of New York State; and  
**BE IT FINALLY RESOLVED**, This resolution shall take effect immediately.

Moved by Jaworski, seconded by Szymanski to adopt the resolution.

Yeas: Szymanski, Kulczyk, Schiavi, Jaworski

Abstained: Noman

**CARRIED 4-0**

Moved by Kulczyk, seconded by Schiavi, meeting is adjourned.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**JACQUELINE A. CAFERRO, CITY CLERK**



**COUNCIL MEETING**  
**Monday, February 1, 2010**  
**COUNCIL CHAMBERS**  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)

Regular session of the Lackawanna City Council met in the Council Chambers, President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by President Jaworski.

**ROLL CALL:** Present: Noman, Szymanski, Kulczyk, Schiavi, Jaworski  
**Dept. Heads Present:** Law, Public Works, Public Safety, Recreation, Development

**MINUTES:**

Moved by Schiavi, seconded by Jaworski that the minutes of January 19, 2010 be approved as presented:

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**DEPARTMENTAL REPORTS:**

1. City Compt. – Statement of Cond. of Appropriations, December 31, 2009.
2. City Compt. – AP Check Listing #23, January 13, 2010.
3. City Compt. – AP Check Listing #24, January 15, 2010.
4. City Compt. – AP Check Listing #25, January 21, 2010.

Moved by Jaworski, seconded by Schiavi to receive & file the reports.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**COMMUNICATIONS FROM THE COUNCIL:**

**St. Anthony Drive**

5. To: City Council

I am requesting your support in passing the attached resolution correcting the street name of St. Anthony Drive from Anthony Drive.

**CHUCK JAWORSKI, COUNCIL PRESIDENT**

Moved by Jaworski, seconded by Schiavi to receive & file and act on resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**Marriage Officer**

6. To: City Council

I am requesting your support to appoint, Third Ward Councilmember, Francis J. Kulczyk as a marriage officer for the City of Lackawanna, New York.

**CHUCK JAWORSKI, COUNCIL PRESIDENT**

Moved by Jaworski, seconded by Schiavi to receive & file and act on resolution.

Yeas: Noman, Szymanski, Schiavi, Jaworski

Abstain: Kulczyk

**CARRIED 4-0**

**Communications from Department/Division Heads:**

**Purchase Offer – 127 Well Street**

7. To: City Council

My office has received an offer from Douglas Prince to purchase 127 Well St. for purpose of extending his yard. The current lot size is 120 x 115 with a current assessed value of \$4,800. It is my recommendation that the City Council sell the parcel to Douglas Prince for the sum of \$500.

Mr. Prince paid \$500 on June 26, 2000 but never received title from the City; therefore I feel the City Council is justified in selling Mr. Prince the property for his original purchase price of \$500.

If approved by the Council buyer shall be liable for all fees and cost of survey.

**FRANK E. KRAKOWSKI, CITY ASSESSOR**

Moved by Jaworski, seconded by Noman to approve sale, Law Department to prepare ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**Purchase Offer – 27 North Drive**

8. To: City Council

I have received a purchase offer from Frank P. Lelito, 27 North Dr., to purchase the vacant property located at 10 North Dr. The parcel has a lot size of 10' x 129' and an assessed value of \$1,000. It's location between 27 & 37 North Dr. serves no purpose to anyone except Mr. Lelito.

It is my recommendation that the City Council sell the parcel to Frank P. Lelito for \$1.00 plus closing cost. If approved by the Council the buyer shall be liable for all fees and cost of survey if needed.

**FRANK E. KRAKOWSKI, CITY ASSESSOR**

Moved by Szymanski, seconded by Kulczyk to table for study.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **TABLED 5-0**

**Commissioner of Deeds – Geyer, Bremer, Iafallo**

9. To: City Council

We, the undersigned, are requesting your Honorable Body to appoint us as Commissioner of Deeds. Thank you for your consideration.

**JOSEPH GEYER, STEVEN BREMER, LAURA IAFALLO**

Moved by Jaworski, seconded by Schiavi that the request be approved.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**Award Contract Purchase of Ford Ranger– West Herr Ford**

10. To: City Council

I recommend your Honorable Body award the bid for the 2010 Ford Ranger to West Herr Ford for their low bid price of \$18,610.00.

**THOMAS J. NICOMETO, PURCHASING AGENT**

Moved by Schiavi, seconded by Kulczyk, contract be awarded to West Herr  
Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**COMMUNICATIONS FROM CITIZENS:**

**Festival Financial Breakdown:**

11. To: City Council

I have requested a financial breakdown of the Lackawanna City Centennial Celebration for the time period of 01-01-09 through 12-31—09. I also have requested a financial breakdown of the Lackawanna Festival/Carnival June of 2009.

I ask your Honorable Body to please get me the information I requested from your Lackawanna City Department Heads as you told us you would do at a previous Lackawanna City Council Meeting. Thank you in advance for your cooperation in this matter.

**ANDREA HAXTON**

Moved by Jaworski, seconded by Schiavi, receive & file.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**FEMA FINDINGS-HAXTON:**

12. To: City Council

It has been sometime since we had an update about the proposed FEMA remapping of Smokes Creek flood plain within the City of Lackawanna. As you are aware, mandatory flood insurance premiums place an extreme economic hardship on our City residents. I believe there has to be a public hearing to discuss the proposed changes of the flood plain area and new map boundaries.

I request a public work session with your Honorable Body to discuss FEMA findings within the City of Lackawanna at your earliest convenience. Thank you in advance for your cooperation.

**ANDREA HAXTON**

Moved by Jaworski, seconded by Noman, received & filed.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**Order of Agenda, Mayor at Meetings, Duel Brd. Positions:**

13. To: City Council

Items we would like to see on the agenda:

Article 5-22. – Order of Business - and why it was changed so that citizens can not voice their opinions on the agenda.

Article 5-48. – Violation and Penalties – On several occasions we have asked the Council to request the Mayor to come to the meetings and were told that the Council had no power to make him, was not true. We would like the Council to suggest to the Mayor that he attend the next Council Meeting.

Article 5-46. – Holding more than one appointive position. The Council must stop allowing people to hold positions when they know they should not have the position.

**JOHN INGRAM, Chairman, Citizen of Lackawanna Future**

Moved by Jaworski, seconded by Noman that the request be received & filed  
Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**Entertainment Licenses:**

Bears Den – Class 1 – Live Music - \$50  
Cherrystone – Class 1 – Live Music - \$50  
Daggertys-Cagneys Too – Class 1 – Live Music - \$50  
Downtown La Lounge – Class 1 – Live Music - \$50  
Knights of Columbus – Class 1 – Live Music - \$50  
Lake Erie Club – Class 1 – Live Music - \$50  
Matthew Glab Post – Class 1 – Live Music - \$50  
Mulberry Café – Class 1 – Live Music - \$50  
Murph’s Warsaw Grill – Class 1 – Live Music - \$50  
Post 63 – Class 1 – Live Music - \$50  
Col. Weber Post – Class 1 – Live Music - \$50

Moved by Jaworski, seconded by Szymanski to grant the Entertainment Licenses.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**RESOLUTION NO. 5, 2010 – ST. ANTHONY DR.**

**WHEREAS**, St. Anthony Drive, the City of Lackawanna 3<sup>rd</sup> Ward is the “de facto” designation of said public street or thoroughfare, but its “de jure” designation was Anthony Drive, and

**WHEREAS**, the Council seeks to correct this discrepancy nunc pro tunc therefore it is **RESOLVED**, for the record the former designation of Anthony Drive, 3<sup>rd</sup> Ward, Lackawanna, New York is hereby corrected to be St. Anthony’s Drive, retro active to its prior former designation.

**RESOLVED**, that this resolution shall take effect immediately and does not require a change of address for any of its residents as it is a nunc pro tunc correction.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Szymanski, seconded by Jaworski to amend the resolution changing the name of Anthony Drive to St. Anthony Drive.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5-0**

Moved by Jaworski, seconded by Szymanski to approve the resolution as amended

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5-0**

**Resolution No. 6, 2010 – Kulczyk - Marriage Officer:**

**WHEREAS**, New York State on April 15, 1988 amended the Domestic Relations Law A-1077, allowing the governing body of a municipality the right to appoint Marriage Officers for a period not to exceed four years, effective January 1, 1988, and

**WHEREAS**, the Marriage Officers shall have the authority to solemnize marriages in the municipality which makes said appointments, and

**WHEREAS**, the Lackawanna City Council is desirous of appointing a marriage officer in conformance with the Domestic Relations Law,

**THEREFORE, BE IT RESOLVED**, that Francis J. Kulczyk, be and he is hereby appointed as a Marriage Officer for the City of Lackawanna, said term not to exceed four years, a limitation as imposed by the law of New York State; and

**BE IT FINALLY RESOLVED**, This resolution shall take place immediately.

Moved by Jaworski, seconded by Schiavi that the resolution be adopted.

Yeas: Noman, Szymanski, Schiavi, Jaworski

Abstain: Kulczyk

**CARRIED 4-0**

Moved by Kulczyk, seconded by Jaworski meeting is adjourned.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5-0**

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**BARBARA ROSINSKI, DEPUTY CITY CLERK**



**COUNCIL MEETING**  
**Tuesday, February 16, 2010**  
**COUNCIL CHAMBERS**  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)

Regular Session of the Lackawanna City Council met in the Council Chambers, President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by President Jaworski.

**ROLL CALL: Present:** Noman, Szymanski, Kulczyk, Schiavi, Jaworski  
**Dept. Heads Present:** Law, Public Works, Recreation, Development  
**Dept. Heads Absent:** Public Safety-excused

**Minutes:**

Moved by Kulczyk, seconded by Schiavi that the minutes of February 1, 2010 be approved as presented.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**Departmental Reports:**

1. City Compt. – AP Check Listing #26 – January 29, 2010.
2. City Compt. – AP Check Listing #27 – February 5, 2010.
3. City Compt. – AP Check Listing #28 – February 9, 2010.
4. City Treasurer – Receipts deposited into General Fund-January, 2010.
5. City Clerk Monthly Report for January, 2010.

Moved by Schiavi, seconded by Jaworski to receive and file monthly reports.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**Communications from the Mayor:**

**Lincoln School – Advertise for Consultant:**

6. To: City Council

I am requesting your Honorable Body advertise for a consultant to enable the 1<sup>st</sup> Ward in turning the old Lincoln School building into a community center. This would be a great first step towards positive things to come in the 1<sup>st</sup> Ward.

I have previously met with the 1st Ward Housing Steering Committee and we would form a separate committee for this project. The City would be represented by the 1<sup>st</sup> Ward Council Member, the Council President and the Mayor.

**NORMAN L. POLANSKI, JR., MAYOR**

Moved by Jaworski, seconded by Noman to table the request.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **TABLED 5-0**

**Fire Station #3 – Repairs:**

7. To: City Council

I am writing to inform you of my deep concerns for the safety issues that exist at Fire Station No.3 located at 2900 South Park Ave. in the City. The existing brick facades of the building have severe frost damage and some of the walls bowed out and show signs of distress. We have been advised numerous times that this condition is unsafe, and portions of these walls could fail at any time. Falling debris from this building continually poses a life threatening danger to Lackawanna Fire Department personnel as well as the general public as pedestrians utilize the sidewalks in front of this building on a regular basis. In addition, there are other documented structural problems with the building that are not as severe, but are still very troublesome and very costly to correct. The deficiencies herein present a very grave issue as the building's existing condition presents a **VERY SIGNIFICANT** liability issue for the City of Lackawanna. In addition, the deteriorated structural condition of this building has resulted in our own Code Enforcement Officer, Mr. Joseph Geyer, putting our Commissioner of Public Works on notice in January of 2009 that the "City must repair or demolish the structure." Basically, the building has been condemned by the City Code Enforcement Officer and the facility is still being occupied by Lackawanna Fire Dept. personnel, which is totally unacceptable. The problems associated with this building are a direct violation of the Lackawanna Municipal Code, the NYS Building Code as well as Federal OSHA Regulations. A copy of Mr. Geyer's Memorandum to the Commissioner of Public Works dated January 20, 2009 has been attached to this letter for informational purposes. Based on the information contained herein I respectfully request that the Honorable City Council immediately authorize this office to immediately proceed with the conceptual design for constructing a new fire station at the same location and demolishing the existing structure. The conceptual design will allow us to determine the needs of our Fire Dept. and the resources that are required to construct a new facility to adequately serve the general public. Based on the age of the building and its structural condition I feel that the rehabilitation of this facility is not cost effective, and we need to provide a new fire station that will continue to serve this community for many years to come. With this proposition I am looking to consolidate and station all Fire Dept. Personnel at the newly constructed fire hall in an effort to reduce and/or minimize costs to the City of Lackawanna in the future. The proposition of consolidation may assist the City in receiving grant monies to assist us in this effort. It must be noted that implementation of this proposition would include the continued use of Fire Station No.1 on Ridge Rd. and Fire Station No.2 on Abbott Rd. to house existing equipment in the first and fourth wards respectively. I feel that this will provide a long term cost effective solution to the City of Lackawanna in providing the much needed fire protection and emergency services that our City residents need and are most entitled to. I look forward to your positive response to my inquiry and if we need to discuss this further a meeting can be scheduled.

**NORMAN L. POLANSKI, JR., MAYOR**

Moved by Jaworski, seconded by Schiavi to refer to the Engineering Department to advertise for bids.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**Communications from the Council:**

**Local Law – Cold War Veterans:**

8.      To:      City Council

Please be advised that I have received the following from Mr. Petricca regarding a local law for the cold war veterans. Please review the local law and I am seeking your support.

**CHUCK JAWORSKI, COUNCIL PRESIDENT**

A LOCAL LAW in relation to enacting an exemption from real property taxes for Cold War Veterans as authorized by Section 458-b of Real Property Tax Law.

Be it enacted by the Legislature of the County of Erie as follows:

**Section 1. Purpose** – The purpose of this local law is to make provisions for a Cold War Veterans exemption from Erie County real property taxes and to make such exemption first available and applicable to Erie County real property taxes levied for the 2010 tax year.

**Section 2. Definitions** – A. “Cold War Veteran” means a person, male or female, who served on active duty in the United States armed forces, during the time period from 9-2-1945 to 12-26-1991, and was discharged or released there from under honorable conditions.

B. “Armed Forces” Means the United States Army, Navy, Marine Corps, Air Force and Coast Guard.

C. “Active Duty” means full-time duty in the United States armed forces, other than active duty for training.

D. “Service connected” means, with respect to a disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air service.

E. “Qualified owner” means a Cold War Veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War Veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled, may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

F. “Qualified residential real property” means property owned by a qualified owner which is used for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this local law. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse is absent from the property due to medical reasons or institutionalization.

G. "Latest state equalization rate" means the latest final equalization rate established by the State Board of Real Property Services pursuant to Article 12 of the Real Property Tax Law.

**Section 3. Amount of Exemption**

A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed \$12,000 or the product of \$12,000 multiplied by the state equalization rate of the assessing unit, whichever is less.

B. In addition to the exemption provided by subdivision A of this section, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed \$40,000, or the product of \$40,000 multiplied by the latest state equalization rate for the assessing unit, whichever is less.

**Section 4. Limitations**

A. The exemption from taxation provided by this local law shall not be applicable to real property taxes levied or relieved for school purposes.

B. If the Cold War veteran receives be eligible funds veterans exemption pursuant to Section 458 of the Real Property Tax Law of the alternative veteran exemption pursuant to Section 458-a of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive the exemption provided by this local law.

C. The exemption provided by subdivision A of Section 3 of this local law shall be granted for a period of 10 years, the commencement of such 10 year period being governed pursuant to this subdivision. Where a qualified owner owns qualifying residential real property on the effective date of this local law, such 10 year period shall commence with Erie County's 2010 tax year. Where a qualified owner does not own qualifying residential property on the effective date of this local law, such 10 year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least 60 days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable statue date occurring within 60 days after the date of purchase of residential property, such 10 year period shall be measured from the first assessment roll in which the exemption property is sold and replaced with other residential real property, such exemption may be granted pursuant to subdivision A of Section 3 of this local law for the unexpired portion of the 10 year exemption period.

D. Application for the exemption shall be made by the owners, or all of the owners, of the property on a form prescribed by the State Board of Real Property Services. The owner or owners shall file the completed form in the assessor's office on or before the first appropriate taxable status date. The exemption shall continue in full force and effect for all appropriate subsequent tax year. Applicants shall be required to refile on or before the appropriate taxable status date of the percentage of disability percentage increases or decreases amount of exemption. Any applicant convicted of willfully making false statement in the application for such exemption shall be subject to penalties prescribed in the Penal Law.

**Section 5. Severability**

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined to its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered

Moved by Jaworski, seconded by Szymanski that the local law be tabled.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **TABLED 5-0**

**Communications from Department/Division Heads:**

**Purchase Offer – 17 Bauder Street:**

9. To: City Council

Mr. Hussein Ali, 15 Bauder St. has submitted a request to purchase the vacant property located at 17 Bauder Street for \$300. The parcel has a lot size of 20' x 120' and an assessed value of \$3,500. The City will be acquiring the adjacent parcel 141.52-1-8 (21 Bauder) in our next Tax Auction, therefore increasing the current lot to 140' x 120' accommodating two single family homes.

It is my recommendation that the City Council hold these parcels for the development of single family homes. Also the offered price of \$300 is inadequate and needs to be increased.

**FRANK E. KRAKOWSKI, CITY ASSESSOR**

**Amendment** by Jaworski, seconded by Noman to sell the property for \$400.00.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

Moved by Jaworski, second by Schiavi to approve the sale and refer to the Law Department to prepare the Ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**Advertise Mowing /Landscaping:**

10. To: City Council

Please instruct the City Clerk to advertise for bids for mowing and landscaping of various recreational and public property areas in the City of Lackawanna.

**THOMAS N. LOVE, COMMISSIONER OF PUBLIC WORKS**

Moved by Jaworski, seconded by Kulczyk for City Clerk to advertise for bids.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**Interest Change – Delinquent Taxes:**

11. To: City Council

I would like your Honorable Body to consider changing Local Law #2, 1995. This Law deals with the interest rate charged on delinquent taxes. Due to the state of the economy it is important that the City of Lackawanna has the funds budgeted from tax revenue on hand to maintain daily activities. Implementing an increase in the rate charged will not effect the majority of our citizens and may increase our delinquent collection due to an increased penalty being charged. I propose increasing the current rate of 1.5% per month to 2.0% per month.

Thank you for your consideration to this matter.

**JOYCE WARTHLING, CITY TREASURER**

Moved by Jaworski, seconded by Kulczyk to refer to the Law Department.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**COMMUNICATIONS FROM CITIZENS:**

**John Ingram – Remarks:**

12. To: City Council

Item we would like to see put on agenda

Article – 5-22 Order of Business . The citizen of Lackawanna would like this council to be change back to the way it was so that all citizen may address the council concerning things that affect there community.

Article -5-46 although it is made very clear in the code book that you may not hold more then one appointive position the council continue to dis-obey there own laws and have member who either do not live in lackawanna anymore or who are employee of the town.

1. We would like for the councilmen to tell the citizen of Lackawanna on why would all of them would vote on making it so hard for regular citizen to be able to really speak on the issue that is affecting there community.
2. We would like for the councilman of the first ward to address the slaughter house issue concerning ward 1.
3. We would the council president to take copies of these petition that he will receive to are Mayor. We will give him the petition at the next council meeting.

**JOHN INGRAM**

Moved by Jaworski, seconded by Noman to receive and file the communication.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**TABLED ITEM:**

**Truck Route Ordinance:**

An Ordinance to Protect the Public Safety by Regulating Truck Routes, limiting overweight trucks on roads of the City, limiting turns by oversize trucks and establishing penalties, tabled 12/21/09.

Moved by Jaworski, seconded by Kulczyk that the Ordinance be received and filed.

Yeas: Noman, Kulczyk, Schiavi, Jaworski

Abstain: Szymanski

**CARRIED 4-0**

**LATE COMMUNICATION:**

Moved by Jaworski, seconded by Schiavi to waive the rules so the Council may address the following request.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5-0**

**Additional Fire Hydrant Fee:**

To: City Council

I hereby request that you Honorable Body approve an additional annual hydrant fee in the amount of \$916.32 to the Erie County Water Authority. The annual fee is \$229.08 per new hydrant and valve assembly for each of the four (4) new hydrant and valve assemblies that will be installed in conjunction with the construction of the Michelle Drive Subdivision. The fee is for annual operation and maintenance cost associated with each hydrant and valve assembly.

**THOMAS N. LOVE, COMMISSIONER OF PUBLIC WORKS**

Moved by Jaworski, seconded by Kulczyk to approve the additional hydrant fee.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5-0**

Moved by Jaworski, seconded by Kulczyk meeting is adjourned.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5-0**

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**BARBARA ROSINSKI, DEPUTY CLERK**



**COUNCIL MEETING**  
**Monday, March 1, 2010**  
**COUNCIL CHAMBERS**  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)

Regular Session of the Lackawanna City Council met in the Council Chambers, President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by President Jaworski.

**ROLL CALL: Present:** Noman, Szymanski, Kulczyk, Schiavi, Jaworski  
**Dept. Heads Present:** Law, Public Works, Public Safety, Development  
**Excused:** Recreation

**Approval of Minutes**

Moved by Schiavi, seconded by Jaworski to adopt the minutes of the Regular Meeting of February 16, 2010.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**Departmental Reports:**

1. City Compt. – AP Check Listing #29, February 12, 2010.
2. City Compt. – AP Check Listing #30, February 18, 2010.

Moved by Jaworski, seconded by Schiavi to receive and file departmental reports one and two.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**COMMUNICATIONS FROM THE COUNCIL:**

**Lackawanna Line Dance Jamboree:**

3. To: City Council

I am asking for your support for the Lackawanna Line Dance Team to hold a Jamboree on Friday, June 11, 2010 at the Senior Center. This event will be held from 6:30 pm to 9:30 pm. They are requesting the use of 2 large coffee pots. The team will furnish their own coffee and coffee cups. Thank you for your support.

**CHUCK JAWORSKI, COUNCIL PRESIDENT**

Moved by Jaworski, seconded by Szymanski to approve the request.

Yeas: Noman Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**Council Meeting Agenda Change:**

4. To: City Council

I am asking your support in the changes of Council Meeting business order. An Ordinance amending the municipal code of the City of Lackawanna Chapter 5-22, Section A & B is attached for your review. Thank you for your help in this matter.

**CHUCK JAWORSKI, COUNCIL PRESIDENT**

Moved by Jaworski, seconded by Schiavi to receive and file act on Ordinance 5.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5-0**

**Appointment to Ethics Board – Fino /Sieracki:**

5. To: City Council

I am requesting your support of the appointment of Paul Fino, 87 Circle Lane, Lackawanna, NY and Ray Sieracki, 360 South Shore Blvd., Lackawanna, NY to the City Board of Ethics. Thank you for your continued support in this matter.

**CHUCK JAWORSKI, COUNCIL PRESIDENT**

Moved by Schiavi, seconded by Kulczyk to approve the appointments. Appointees to sign Oath of Office Book in City Clerk's Office.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5-0**

**COMMUNICATIONS FROM DEPARTMENT/DIVISION HEADS:**

**Sidewalks – Owner Responsibility:**

6. To: City Clerk

Please have the attached ordinance on the agenda for council approval. Thank you.

**ARC. J. PETRICCA, CITY ATTORNEY**

Moved by Jaworski, seconded by Schiavi to receive and file, and act on Ordinance.

Yeas: Szymanski, Kulczyk, Schiavi, Jaworski

Nays: Noman

**CARRIED 4-1**

**State Reimbursement of Disposal Costs:**

7. To: City Clerk

Please have the attached resolution, NYSDEC Household Hazardous Waste State Assistance Program, on the agenda for council approve. Thank you.

**ARC. J. PETRICCA, CITY ATTORNEY**

Moved by Jaworski, seconded by Szymanski to receive and file and act on the ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5-0**

**Multiple Appointed Board Positions:**

8. To: City Clerk

Please have the “Ordinance Amending Section 5-46” of the Municipal Code pertaining to holding more than one appointive position, on the agenda for council approval. Thank you.

**ARC. J. PETRICCA, CITY ATTORNEY**

Moved by Jaworski, seconded by Schiavi to receive and file and act on the ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**Tax Rate Change-Delinquent Taxes:**

9. To: City Clerk

Please have the “Ordinance rescinding Section 201-26-27” on the agenda for council approval. Thank You.

**ARC. J. PETRICCA, CITY ATTORNEY**

Moved by Jaworski seconded by Schiavi to receive and file and act on the ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**Property Tax – Redemption Period Change:**

10. To: City Clerk

Please have the “Local Law Establishing the Redemption Period for Property” and “Local Law Establishing the Interest Rate on Late Payment of Taxes” on the agenda for council approval. Thank you.

**ARC. J. PETRICCA, CITY ATTORNEY**

Moved by Jaworski, seconded by Noman to receive and file and act on the Local Law.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**Steel Winds II Project – Special Use Permit: *Complete text on file in Clerk’s Office***

11. To: City Council

Erie Winds, LLC has submitted a special use permit for their Steel Winds II project, as you know it needs Council approval. Enclosed is their documentation to support the application. It is the recommendation of this department to approve the permit.

**RALPH D. MIRANDA, DIRECTOR OF DEVELOPMENT**

Moved by Jaworski seconded by Noman to approve the application for special use permit for Steel Winds II Project.

Yeas: Noman Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**Business Registrations:**

12. To: City Clerk

Please have the “Ordinance Enacting Section 56 of the City Code on the agenda for council approval. Thank You.

**ARC. J. PETRICCA, CITY ATTORNEY**

Moved by Schiavi seconded by Kulczyk to receive and file and act on the Ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5 – 0**

**Business Registration Fees:**

13. To: City Clerk

Please have the “Business Registration Fee Resolution” on the agenda for Council approval. Thank you.

**ARC. J. PETRICCA, CITY ATTORNEY**

Moved by Jaworski, seconded by Schiavi to receive and file and act on the resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5 – 0**

**COMMUNICATIONS FROM CITIZENS:**

**John Ingram, Remarks:**

14. To: City Clerk

Article 5-106. Board of Ethic regarding members who work for the city and member who do not live in are city.

Article 5-77 Citizen meeting: We are requisition that the Director of Development to please conduct the regular meeting with citizen organization on a regular basis so that they can inform the citizen.

1. The Citizen of ward 1 would like there elected representative Abdul Noman to answer the following question. 1. At the council meeting on Feb 16 we gave the council president a copy of the petition about the slaughter house sign by over 200 first ward citizens to give to are mayor we would like you to follow up with the council president on the mayor response. Also we ask this at the last council meeting and receive no response the citizen of ward one want to know are you going to help them concerning the slaughterhouse they are asking this question to know where they stand with their councilman concerning this issue and what other avenue they need to look at. 2. Also at the last council meeting you said that if you have anything to address ward 1 you would contact Pastor Watkins and the Mount Olive Church we would like some clarification on this since there are several other churches in ward 1 and there are other civic group in ward 1 also as the first ward representative we would like for you to explain that if a group or a citizen wishes to speak to you why must they go through a third party on more than one occasion individual have been told they must talk to another individual and when a individual try to talk to you and one sent you letter and it never was address.

Moved by Jaworski, seconded by Schiavi to receive and file.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5 – 0**

**Borrero-Request to Forgive Unpaid Taxes and Penalties:**

15. To: City Council

I am Edwin Borrero, owner of two properties located within the City of Lackawanna. Due to various financial situations I have been unable to satisfy my city and school tax obligations and have accrued a substantial amount of arrears, penalties and interest included. 1. The property located at 297 Ridge Road had a business that was forced to close in part due to and caused by the extensive Ridge Road Bridge construction project. It has come to my attention that you have granted some consideration to other taxpayers and reduced their taxes payable in amounts approaching \$50,000.00. I hereby request that you wave any penalties and interest and allow me to remit the base amount of the tax arrears to you in two equal payments. Thank you in advance for your help and consideration with this financial hardship.

**Edwin Borrero**

Moved by Szymanski, seconded by Jaworski to deny the request and receive and file.

Yeas: Noman Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5 – 0**

**Haxton – Citizens Advisory Board:**

16. To: City Council

Certification of action taken at Lackawanna City Council meeting on Dec. 7, 2009 was referred to the Mayor regarding the establishment of a Citizens Advisory Board. It has been almost three months now since I requested the formation of the Citizens Board according to Article XIV, Section 5-108. Citizens' Advisory Committee. This shall consist of 27 members and the citizens "will inform themselves of the community activities which are in progress and those activities which are contemplated and the needs for improvement with respect to planning, code adoption and enforcement, housing, public facilities, urban renewal and other program workable activities; etc." This committee will also work closely with the "Director of Parks and Recreation to plan, promote, organize and supervise a comprehensive municipal recreation program and administer the same in the interest of the entire community." Gentlemen, I ask you for an update on this mandated committee in the City of Lackawanna Code Book and remind you all that without it in force that the City of Lackawanna is in direct violation of our own laws. Thank you in advance for your help with this.

**Andrea Haxton**

Moved by Jaworski, seconded by Noman to receive and file.

Yeas: Noman. Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5 – 0**

**WAIVE RULES:**

Moved by Jaworski, seconded by Schiavi to waive the rules so the Council may address the following:

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**School Election – Use of Buildings:**

On behalf of the Lackawanna Board of Education, I am asking if space could be made available for our upcoming May 18, 2010 School Board Election in your **Senior Citizen’s Center** and **Bocce Court**. The Senior Center will house School District 9 and 10 (which is the City District’s 4-2, 4-4 and 4-5) Bocce Court for School District 1 (City District 1-1). The Election will be held on **Tuesday, May 18, 2010** between the hours of **12:00 noon to 9:00 P.M.** Inspectors would need access to said buildings at 11:30 A.M. on that day. At a later date, you will be notified as to when the voting machines will be delivered and as to when they will be removed after the election. I thank you in advance for your cooperation.

**Annette Iafallo, School Board Clerk**

Moved by Jaworski, seconded by Schiavi to approve the use of the Sr. Citizen Center and Bocce Court for the School Board Election.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**EXECUTIVE SESSION:**

Moved by Jaworski, seconded by Schiavi to go into Executive Session to discuss the Gabamonte –vs- City and Andaya –vs- City.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**Executive session 7:32 P.M.**

**Meeting reconvened at 7:54 P.M.**

**Roll Call: PRESENT:** Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**Resolutions:**

**Reimbursement of Fees for Disposal Costs of Hazardous Material:**

**Resolution No. 7**

A resolution urging Governor David Patterson to reimburse the city for disposal costs of hazardous waste material collection in 2009.

WHEREAS, Lackawanna City Council acknowledges its responsibility to keep our communities safe, clean and healthy, and

WHEREAS, household generated hazardous waste is a dangerous and problematic waste stream which increases risk from fire and poisonings if improperly stored, and

WHEREAS, improper disposal of household hazardous waste can pollute our environment, pose a risk to sanitation workers, and impact wildlife, and

WHEREAS, the safe recycling and/or disposal of household generated hazardous waste is a priority for County residents and their elected officials, and

WHEREAS, the New York State Department of Environmental Conservation is authorized by section 54-0705 of the Environmental Conservation Law, and the 6NYCRR Subpart 373-4 Regulations, to enter into contracts on behalf of the State to provide grants to reimburse 50% of expenses to municipalities for Household Hazardous Waste Programs; and

WHEREAS, the City of Lackawanna has, (*through the Northeast Southtowns Solid Waste Management Board (NEST)*), worked with Erie County Department of Environment and planning to host an annual collection event to reduce risks, protect the environment and insure proper disposal of household hazardous waste materials, and

WHEREAS, THE City of Lackawanna has paid the disposal costs of a household hazardous waste collection for 2009 , and

WHEREAS, the City of Lackawanna has not received a State reimbursement contract from the application submitted for 2009 program expenses, and

WHEREAS, the City of Lackawanna has not been reimbursed for 50% of the costs generated by the collect event held (May 9, June 20,) 2009, and

WHEREAS, and there is a great concern about the sustainability of the Household Hazardous Waste Collection Program and its ability to continue to offer this important service to residents of Erie County without fiscal assistance from New York State.

NOW, THEREFORE, BE IT RESOLVED, that the Lackawanna City Council does hereby urge New York State Governor David Patterson to release funds necessary to fulfill reimbursement expectations of municipalities which, in good faith, provided Household Hazardous Waste Collection opportunities to residents in 2009, and

AND BE IT RESOLVED. That New York State Governor Patterson, is encouraged to continue support and fund this important reimbursement program in 2010 and beyond to protect our residents and our environment, and,

FURTHER RESOLVED, that the Clerk of the Lackawanna City Council shall forward copies of this resolution to Governor Patterson, New York State Comptroller's Office, Senate Majority Leader Pedro Espada Jr., Senate Minority Leader Dean G. Skelos, Assembly Speaker Sheldon Silver, Assembly Minority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb.

Moved by Schiavi, seconded by Kulczyk to adopt the resolution as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5 – 0**

**Business Registration: Resolution No. 8**

A Resolution establishing the Business Registration Fee for the City of Lackawanna

WHEREAS, the City Council has enacted a business registration ordinance, and  
WHEREAS, said ordinance requires the City Council to establish the fees for said registration.

NOW, THEREFORE, BE IT

Resolved, that the registration fee for the business registration ordinance is \$20.00 annually or one-half thereof if registered after July 1<sup>st</sup>. Registration is annual and all registrations expire on December 31<sup>st</sup> of each year. A person may elect to register for two (2) years for bi-annual fee of \$30.00, no fee in refundable.

RESOLVED, that this resolution shall take effect immediately.

Moved by Schiavi, seconded by Kulczyk to adopt the resolution as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**Gabamonte –vs- City: Resolution #9, 2010**

Moved by Jaworski, seconded by Schiavi to approve the settlement resolution of the personal injury case of Gabamonte –vs- the City of Lackawanna.

Yeas: Noman Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**Andaya –vs- City: Resolution #10**

Moved by Jaworski, seconded by Schiavi, to approve the resolution settling the personal injury case of Andaya –vs- the City of Lackawanna.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**ORDINANCES:**

**Council Meeting Agenda Change:**

An Ordinance amending the Municipal Code of the City of Lackawanna, Chapter 5-22, Sections A & B as follows:

5-22.A. – Promptly at the hour set by law on the day of each regular meeting, the members of the Council and the City Clerk shall take their regular stations in the Council Chambers; and the business of the Council shall be taken up for consideration and disposition in the following order:

1. Roll Call
2. Hearings from Citizens
3. Approval of Minutes of previous meetings.
4. Departmental Reports
5. Communications from the Mayor

6. Communications from the Council.
7. Communications from Department/Division Heads.
8. Communications from Citizens.
9. Introduction and adoption of resolutions.
10. Introduction and adoption of ordinances and local laws.
11. Tabled Items.
12. Adjournment.

5-22 B.

In subdivision A (2) above, only communications on the agenda items will be considered. The presiding officer is empowered to waive this restriction if he or she so deems. This Ordinance shall take effect after the approval and signature of the Mayor.

Moved by Jaworski, seconded by Schiavi to adopt the Ordinance as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5 – 0**

**Sidewalk – Responsibility of Owner:**

An Ordinance imposing liability the owner or occupants of Real Property for repairs and snow, ice and other obstructions:

City Ordinance 194-8 Duty to Maintain Sidewalks is rescinded and reenacted as follows:

194-8 Duty to Maintain Sidewalks:

It shall be the duty of every owner or occupant of any premises fronting or abutting on any public street, highways, traveled road, public lane, alley, square or grounds within the city to keep such sidewalk clear of snow, ice and all other obstructions. Such owner or occupant shall be liable for any injury or damage by reason of their omission, failure or negligence to keep said sidewalk clear of snow, ice or other obstruction.

This Ordinance shall take effect immediately only after the approval and signature of the Mayor.

Moved by Schiavi, seconded by Jaworski to adopt the Ordinance as written

Yeas: Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 4 – 1**

Nays: Noman

**Dual Appointments:**

An Ordinance amending 5-46 of the City Code:

BE IT ENACTED by the City Council that 5-46 of the City Code entitled “Holding more than one appointive position” is changed and amended to read as follows:

1. 5-46 – Holding more than one appointive position. No person shall be appointed to more than one appointive position within the city, provided however, that any department head may be simultaneously appointed to serve as head of any division or office within his or her department in the event of a vacancy caused by death, resignation, removal or leave of the head of any division of office and to assume said duties during the period of said vacancy. Except as hereby permitted any other person holding dual appointments must resign within ten (10) days from one or the other of his appointments. This section does not apply to any non-salaried or uncompensated position on the city’s constituted

Boards, commissions or committees.

This Ordinance shall take effective immediately only after the approval and signature of the Mayor.

Moved by Schiavi, seconded by Jaworski to adopt the Ordinance as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**Interest Rate on Delinquent Taxes:**

An Ordinance rescinding and reenacting 201-26, 27 of the City Code:

BE IT ENACTED by the City Council of the City of Lackawanna, NY as follows:

1. 201-26 of the City Code confirming the City's interest rate of delinquent city real property taxes at eighteen percent (18%) per annum is rescinded.
2. 201-26 Amount of interest. The amount of interest to be added on all real property taxes received after the interest-free period on all delinquent real property taxes shall be not less than twenty-four (24%) PER ANNUM AND 1/12 thereof added for each month or fraction thereof until such taxes are paid.
3. This Ordinance shall take effect upon the filing of Local Law\_\_\_\_\_,2010 with the Secretary of State.

Moved by Schiavi, seconded by Jaworski to adopt the Ordinance as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**Registration of Business: *Complete text on file in Clerk's Office***

An Ordinance enacting Section 56 of the City Code of the City of Lackawanna, New York entitled on Ordinance for the registration of business activities in the City.

Moved by Szymanski, seconded by Schiavi to adopt the Ordinance as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**Tax-Late Payment/Delinquent Interest Rates:**

A Local Law establishing the Interest Rate on Late Payment of Taxes and Delinquencies:

BE IT ENACTED by the City Council of the City of Lackawanna, NY as follows:

**Section 1.** The amount of interest to be added on all real property taxes received after the interest free period on all delinquent real property taxes shall be not less than twenty-four per centum (24%) per annum and on-twelfth shall be added for each month or fraction thereof until such taxes are paid.

**Section 2.** The prior law enacted on August 7, 1995 is hereby rescinded.

**Section 3.** This local law shall take effect upon its filing with the Secretary of State.

Moved by Jaworski, seconded by Schiavi to adopt the Local Law as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**Tax-Redemption Period on Delinquent Property:**

A Local Law Establishing the Redemption Period for Residential or Commercial Property for the City of Lackawanna Real Property Tax District.

BE IT ENACTED by the City Council of the City of Lackawanna, NY as follows:

1. Real property subject to a delinquent tax lien may be reduced by payment to the enforcing officer on or before the expiration of the redemption period. The redemption period shall expire two years after the initial lien date.
2. The prior redemption period of three years is hereby rescinded.
3. This local law shall take effect immediately.

Moved by Schiavi, seconded by Jaworski to adopt the Local Law as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**Adjournment:**

Moved by Jaworski, seconded by Schiavi to adjourn the meeting.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**JACQUELINE A. CAFERRO, CITY CLERK**



**COUNCIL MEETING**  
**Monday, March 15, 2010**  
**COUNCIL CHAMBER**  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)

Regular Session of the Lackawanna City Council met in the Council Chambers, President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by President Jaworski.

**ROLL CALL: Present:** Noman, Szymanski, Kulczyk, Schiavi, Jaworski  
**Dept. Heads Present:** Law, Recreation, Development, Public Safety  
**Dept. Heads Excused:** Public Works

**APPROVE MINUTES:**

Moved by Schiavi, seconded by Szymanski to approve the Minutes of March 1, 2010.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**DEPARTMENTAL REPORTS:**

1. City Compt. – A/P Check Listing #31, February 26, 2010.
2. City Compt. – A/P Check Listing #32, March 4, 2010.
3. City Clerk – Monthly report for February, 2010.
4. City Treas. – Deposits into General Fund – February, 2010.

Moved by Schiavi, seconded by Jaworski to receive and file the monthly reports.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**COMMUNICATIONS FROM THE COUNCIL:**

**Flood Insurance – Szymanski:**

5. To: City Council

I request approval of the resolution asking our representatives to remove the unfair burden of having to pay flood insurance.

**GEOFFREY SZYMANSKI, SECOND WARD COUNCIL MEMBER**

Moved by Jaworski, seconded by Szymanski to receive and file and act on the resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**COMMUNICATIONS FROM DEPARTMENT/DIVISION HEADS:**

**Library-Disability Management – Fiber Optic Service:**

6. To: City Clerk

Please put the Disability Management Association Resolution and Fiber Optic Service to Lackawanna Library Resolution on the agenda for Council approval. Thank you.

**ARC. J. PETRICCA, CITY ATTORNEY**

Moved by Jaworski, seconded by Kulczyk to receive and file and act on the resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**Sale – 127 Well Street:**

7. To: City Clerk

Please put the Sale of 127 Well Street Ordinance to Douglas Prince on the agenda for Council approval. Thank you.

**ARC. J. PETRICCA, CITY ATTORNEY**

Moved by Jaworski, seconded by Schiavi to receive and file and act on the ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**Sale – 17 Bauder Street:**

8. To: City Clerk

Please put the sale of 17 Bauder Street Ordinance to Ali Hussein on the agenda for Council approval. Thank you.

**ARC. J. PETRICCA, CITY ATTORNEY**

Moved by Schiavi, seconded by Kulczyk to receive and file and act on the ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5 – 0**

**Rescind Local Law #2, 2007:**

9. To: City Clerk

Please put Local Law No. 2, 2007 on the agenda for Council approval. Thank you.

**ARC. J. PETRICCA, CITY ATTORNEY**

Moved by Jaworski, seconded by Schiavi to **TABLE** for study.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **TABLED 5 – 0**

**COMMUNICATIONS FROM CITIZENS:**

**Ingram – Various Questions:**

10. To: City Clerk
1. What is the noise ordinance.
  2. What is the foul odor ordinance.
  3. Who is the contact for pest Control.
  4. Where does the blighted area in Lackawanna start and end.
  5. What is the dumpster requirement for stores and restaurants.
  6. Will proposed restaurant at 155 Ridge Road go before the Planning Board.
  7. Did Department of Development, Code Enforcement or Mayor check for sanitation history regarding slaughter house in Brooklyn own by Mustafa and Yousef Jarah.

We would appreciate a written response for request listed if possible.

Moved by Jaworski, seconded by Schiavi to grant permission to John Ingram to speak on the above.

Yeas: Noman Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5 – 0**

**RESOLUTIONS:**

**Request Removal of Flood Zone:**

**Resolution # 11, 2010**

A Resolution submitted by Councilman Szymanski RE: Requesting Lackawanna’s Congressional Representatives Remove Lackawanna’s Flood Zone

**WHEREAS**, the City of Lackawanna has a flood zone covering a large section of the City’s residential units, and

**WHEREAS**, many residents in the City of Lackawanna are on the brink of financial devastation due to this unfair burden of an unwarranted fee, and

**WHEREAS**, flood zone insurance doesn’t cover any portion of the homeowner’s property, but rather covers the lending bank’s interests, and

**WHEREAS**, the City of Lackawanna, through the Army Corps of Engineers, has a creek (Smokes Creek) running through the City, with the intent to prevent flooding, and

**WHEREAS**, Smokes Creek has not flooded in over fifty(50) years, and

**WHEREAS**, the City of Lackawanna is considered a financially depressed area of Western New York, in which there are large pockets of our community under the poverty level, and

**WHEREAS**, many residents have to pay over one thousand dollars (\$1,000.00) per year, adding an additional thirty thousand dollars (\$30,000.00) to the payments of a house over a thirty year mortgage, and

**WHEREAS**, the residents o the City of Lackawanna are fed up with paying what is considered an unfair and unnecessary tax on their property , and

**WHEREAS**, previous attempts to have the City of Lackawanna removed from the flood zone have not even brought a letter or phone call acknowledging that our congressional representatives even read our resolutions.

**WE WANT ACTION FROM YOU – OUR FEDERAL OFFICIALS**

**NOW, THEREFORE, BE IT RESOLVED, the residents of the City of Lackawanna are demanding** that our federal representatives for our City, remove the unfair burden of having to pay a flood zone that hasn't flooded in over fifty (50) years, and be it further

**RESOLVED**, that the City of Lackawanna is not only interested in having our federal delegation acknowledge receipt of this resolution, but more importantly, are interested in the steps our federal Senators and Congressmen are going to take to release the City from the flood zone, and be it further

**RESOLVED**, that a certified copy of this resolution be sent to Senator Schumer, Senator Gillibrand and Congressman Higgins, and be it further

**RESOLVED**, that the elected officials, and residents, are anxiously awaiting a reply from your honorable offices, and be it further

**RESOLVED**, we anticipate that a written letter from your offices will be received by our City Clerk by May 1<sup>st</sup>, 2010, and be it further

**RESOLVED**, that this is the second resolution demanding a response from your respective offices, ***THE FIRST RESOLUTION WAS IGNORED BY ALL THREE OF YOU.***

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.**

**Geoffrey M. Szymanski**

**2<sup>nd</sup> Ward Councilman – City of Lackawanna**

Moved by Schiavi, seconded by Noman, Szymanski, Kulczyk, and Jaworski  
To adopt the resolution as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5 – 0**

**Disability Management Services – City Health Authority:**

**Resolution**

**WHEREAS**, the City has the duty and obligation to oversee employee personal injury claims for an on-duty injury under GML 207(a)(c), differential pay under Worker's Compensation Law and sick benefits claims under the City's Collective Bargaining Agreements, and

**WHEREAS**, the scope of such responsibility is beyond the limited Civil Service Office or the services of a general practice physician, and

**WHEREAS**, Disability Management Services, Inc. is a duly qualified company providing medical claims oversight and inspections for municipalities.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Disabilities Management Services, Inc. has designated an agent of the City to perform the duties as the city's health authority to assist it in its oversight and inspection duties in managing GML 207(a)(c), differential salary payments under Worker's Compensation Law claims and the sick benefits claims under the City's collective bargaining agreements, on an as needed basis.

**RESOLVED.** That this resolution shall take effect immediately.

Moved by Jaworski, seconded by Schiavi to *table* for study.  
Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5 – 0**

**FIBER OPTICS – LACKAWANNA LIBRARY:**

**Resolution # 12, 2010**

**WHEREAS**, the Erie County Library system has the funds and plans to provide fiber optic service to service the library building at 560 Ridge Road, and

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Lackawanna Library Board is hereby authorized to approve said fiber optic installation to service said building.

**RESOLVED**, that this resolution shall take effect immediately.

Moved by Szymanski, seconded by Schiavi to adopt the resolution as written.

Yeas: Noman Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5 – 0**

**ORDINANCES:**

**Sale of 127 Well Street – Prince:**

**AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY PURSUANT TO MUNICIPAL CODE SECTION 107.**

**BE IT ENACTED BY THE** City Council of the City of Lackawanna, New York as follows:

**SECTION 1.** That the City Council hereby approves of the transfer of property known as SBL 141.59-3-7.11. (127 Well Street)

**SECTION 2.** That the transfer is made for the sum of \$500.00 cash to the City of Lackawanna. The deed shall contain a reverted clause providing for a reversion to the City unless the deed is recorded in the Erie County Clerk’s Office within 30 days of its delivery.

**SECTION 3.** That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna.

**SECTION 4.** That the Law Department shall prepare documents to be executed for the transfer of the property.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY ONLY AFTER THE APPROVAL AND SIGNATURE OF THE MAYOR.**

Moved by Jaworski, seconded by Noman to adopt the Ordinance as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5 – 0**

**Sale 17 Bauder Street – Hussein Ali:**

**AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY PURSUANT TO MUNICIPAL CODE SECTION 107.**

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

**SECTION 1.** That the City Council hereby approves the transfer of property known as SBL 141.52-1-7.1. ( 17 Bauder Street)

**SECTION 2.** That the transfer is made for the sum of \$400.00 cash to the City of Lackawanna. The deed shall contain a reverter clause providing for a reversion to the City unless the deed is recorded in the Erie County Clerk’s Office within 30 days of its delivery.

**SECTION 3.** That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna.

**SECTION 4.** That the Law Department shall prepare documents to be executed for the transfer of the property.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY ONLY AFTER THE APPROVAL AND SIGNATURE OF THE MAYOR.**

Moved by Schiavi, seconded by Noman to adopt the ordinance as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5 – 0**

**LOCAL LAW:**

**Rescind Local Law #2, 2007**

**NYS Property Tax Law – Wind Energy Systems:**

BE IT ENACTED BY THE City Council of the City of Lackawanna, New York as follows:

1. Local Law No.2, 2007 is hereby rescinded and the real property tax exemption available to it under Section 487 of the New York State Real Property Tax Law for Wind Energy Systems is therefore restored.
2. This local law shall take effect restored.
3. A copy of this law shall be filed with the State Board of Equalization and Assessment and the New York State Energy and Development Authority (NYSERDA) and the City Assessor.

Moved by Szymanski seconded by Jaworski to TABLE for study.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5 – 0**

**TABLED ITEMS:**

**Proclamation – Lackawanna Historical Society:**

A Proclamation given to the Lackawanna Historical Society for recognition of their accomplishments within the City of Lackawanna.

**Adjournment:**

Moved by Kulczyk, seconded by Schiavi meeting is adjourned.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5 – 0**

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**JACQUELINE A. CAFERRO, CITY CLERK**



## **PUBLIC HEARING**

**A Public Hearing was held in the Council Chambers of Lackawanna City Hall on Thursday, March 18, 2010 regarding two (2) local laws. Local Law #1, 2010 establishing the interest rate on late payment of taxes and delinquencies and Local Law #2, 2010 establishing the redemption period for residential or commercial property for the city of Lackawanna Real Property Tax District.**

**Mayor Polanski chaired the public hearing which was called to order at 9:30 a.m.**

**Present:**

**Mayor Polanski  
City Clerk Caferro  
Council President Jaworski  
Council Member Schiavi  
John Ingram  
Roosevelt Jones**

**John Ingram asked if the public hearing could be postponed to a different time when people are able to attend.**

**Roosevelt Jones asked why the tax rate is being increased when there are greater foreclosures on properties.**

**Mayor Polanski stated that the city is far less in interest rate than the school interest rate or other surrounding areas.**

**No further comments, meeting was adjourned at 9:43 a.m.**

**Jacqueline Caferro  
City Clerk  
City of Lackawanna**

**COUNCIL MEETING**  
**Tuesday, April 6, 2010**  
**COUNCIL CHAMBER**  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)

Regular Session of the Lackawanna City Council met in the Council Chambers, President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by President Jaworski.

**ROLL CALL: Present:** Noman, Szymanski, Schiavi, Jaworski

**Absent:** Kulczyk

**Dept. Heads Present:** Law, Recreation, Development, Public Safety, Public Works

**KULCZYK EXCUSED:**

To: City Council

It is with regret that I am unable to attend the Council Meeting on Tuesday, April 6, 2010 due to personal business. Thank you for your understanding in this matter.

**FRANCIS KULCZYK, 3<sup>RD</sup> WARD COUNCILMAN**

Moved by Jaworski, seconded by Schiavi that Councilman Kulczyk be excused.

Yeas: Noman, Szymanski, Schiavi, Jaworski

Absent: Kulczyk

**CARRIED 4 – 0**

**APPROVE MINUTES:**

Moved by Schiavi, seconded by Jaworski to approve the Minutes of March 15, 2010.

Yeas: Noman, Szymanski, Schiavi, Jaworski

Absent: Kulczyk

**CARRIED 4 - 0**

**DEPARTMENTAL REPORTS:**

1. City Compt. – AP Check Listing #33, March 11, 2010.
2. City Compt. – AP Check Listing #34, March 18, 2010.
3. City Compt. – Statement of Cond. Of Approp.-February 28, 2010.

Moved by Jaworski, seconded by Schiavi to receive and file the monthly reports.

Yeas: Noman, Szymanski, Schiavi, Jaworski

Absent: Kulczyk

**CARRIED 4 – 0**

**COMMUNICATIONS FROM THE MAYOR:**

**Veto Ordinance – Registration of Business Activities:**

4. To: City Council

Pursuant to Section 4.4 of the Lackawanna City Charter, I hereby veto the proposed Ordinance for the registration of business activities in the city.

This Ordinance, in its present form, is not what it was intended to be and is burdensome and impossible to enforce.

**NORMAN L. POLANSKI, MAYOR**

Moved by Jaworski, seconded by Schiavi to receive and file

Yeas: Noman, Szymanski, Schiavi, Jaworski

**CARRIED 4 – 0**

Absent: Kulczyk

**COMMUNICATIONS FROM THE COUNCIL:**

**Reschedule July 12, 2010 Meeting:**

5. To: City Council

Please see the following resolution regarding the July 2010 Council meeting. There is a conflicting schedule and we are rescheduling the July 12, 2010 meeting to July 14, 2010. Thank you for your cooperation in this matter.

**CHUCK JAWORSKI, COUNCIL PRESIDENT**

Moved by Jaworski, seconded Szymanski, to receive & file and act on the resolution.

Yeas: Noman, Szymanski, Schiavi, Jaworski

**CARRIED 4-0**

Absent: Kulczyk

**COMMUNICATIONS FROM DEPARTMENT/DIVISION HEADS:**

**Rescind Local Law No. 2, 2007:**

6. To: City Council

Please put the Rescinding of Local Law No. 2, 2007 on the agenda for council approval. There are time restraints that if not addressed at the next council meeting can negatively affect Phase II Windmill. Thank you.

**ARC. J. PETRICCA, CITY ATTORNEY**

Moved by Jaworski, seconded by Schiavi to receive & file and act the resolution.

Yeas: Noman, Szymanski, Schiavi, Jaworski

**CARRIED 4-0**

Absent: Kulczyk

**Advertise for Bids – Fire Safety Materials:**

7. To: City Council

The Fire Department has received a Fire Prevention & Safety Grant in the amount of \$9,500. This money is earmarked to purchase fire & safety material. I ask your Honorable Body to please direct the City Clerk to advertise for bids. Specifications have been prepared and are ready for bid.

**RICHARD STARTEK, DIRECTOR OF PUBLIC SAFETY**

Moved by Jaworski, seconded by Schiavi to authorize the City Clerk to advertise for bids.

Yeas: Noman, Szymanski, Schiavi, Jaworski

Absent: Kulczyk

**CARRIED 4-0**

**Advertise for Bids – Emergency Equipment:**

8. To: City Council

The Fire Department has received Assistance to Firefighters Grant in the amount of \$27,476. This money is earmarked to purchase emergency equipment to be placed on the fire trucks. I ask your Honorable Body to please direct the City Clerk to advertise for bids. Specifications have been prepared and are ready for bid.

**RICHARD STARTEK, DIRECTOR OF PUBLIC SAFETY**

Moved by Szymanski, seconded by Jaworski to authorize the City Clerk to advertise for bids.

Yeas: Noman, Szymanski, Schiavi, Jaworski

Absent: Kulczyk

**CARRIED 4-0**

**Advertise for Bids – Fire Dept. Phone & Recording System:**

9. To: City Council

The fire department is in need of a new phone and recording system. I ask your Honorable Body to please direct the City Clerk to advertise for bids. Specifications have been prepared and are ready for bid.

**RICHARD STARTEK, DIRECTOR OF PUBLIC SAFETY**

Moved by Schiavi, seconded by Szymanski to authorize the City Clerk to advertise for bids.

Yeas: Noman, Szymanski, Schiavi, Jaworski

Absent: Kulczyk

**CARRIED 4-0**

**Award bids – Grass Cutting:**

10. To: City Council

On Wednesday, March 17, 2010, the City Clerk opened sealed bids for grass cutting at various recreational and public property areas in Lackawanna for the upcoming season. The bids are as follows:

VIP Property Maintenance - \$1,431.00      Emerald Dunes - \$1,270.00

Therefore, I am requesting your Honorable Body award the bids to both VIP Property Management and Emerald Dunes.

**THOMAS N. LOVE, COMMISSIONER OF PUBLIC WORKS**

Moved by Jaworski, seconded by Noman to award the contract to VIP Property Maintenance and Emerald Dunes.

Yeas: Noman, Szymanski, Schiavi, Jaworski

Absent: Kulczyk

**CARRIED 4-0**

**Advertise for Paving Bids:**

11. To: City Council

Please direct the City Clerk to advertise for bids for various paving projects during the 2010 paving season.

**THOMAS N. LOVE, COMMISSIONER OF PUBLIC WORKS**

Moved by Schiavi, seconded by Noman to authorize the City Clerk to advertise for bids.

Yeas: Noman, Szymanski, Schiavi, Jaworski

Absent: Kulczyk

**CARRIED 4-0**

**Advertise for Bids – Rehabilitation of Public Works Building:**

12. To: City Council

Please direct the City Clerk to advertise for bids for the rehabilitation of the Department of Public Works Building.

**THOMAS N. LOVE, COMMISSIONER OF PUBLIC WORKS**

Moved by Schiavi, seconded by Noman to authorize the City Clerk to advertise for bids.

Yeas: Noman, Szymanski, Schiavi, Jaworski

Absent: Kulczyk

**CARRIED 4-0**

**Advertise for Bids – Demolition Projects:**

13. To: City Council

I am asking you Honorable Body to allow for the advertisement for the demolition projects list below. We have money available, the number of properties demolished will depend on the funds. These are listed in no particular order.

53 Stearns

30 Victory Ave.

31 Holland Ave.

27 & 23 Green

32 Ingham Ave.

305 & 231 Ridge Rd.

**RALPH D. MIRANDA, DIRECTOR OF DEVELOPMENT**

Moved by Szymanski, seconded by Noman to authorize the City Clerk to advertise for bids for the demolition projects.

Yeas: Noman, Szymanski, Schiavi, Jaworski

Absent: Kulczyk

**CARRIED 4-0**

**WAIVE RULES:**

Moved by Szymanski, seconded by Schiavi to waive the rules and introduce a new item.

Yeas: Noman, Szymanski, Schiavi, Jaworski

Absent: Kulczyk

**CARRIED 4-0**

**Advertise for Bids – Oxygen Generating System:**

The fire department has received a legislative grant in the amount o \$21,675. This money is earmarked to purchase an oxygen generating system. I ask your Honorable Body to please direct the City Clerk to advertise for bids. Specifications are in the process of being prepared.

**RICHARD STARTEK, DIRECTOR OF PUBLIC SAFETY**

Moved by Szymanski, seconded by Jaworski to authorize the City Clerk to advertise for bids for oxygen generating system.

Yeas: Noman, Szymanski, Schiavi, Jaworski

Absent: Kulczyk

**CARRIED 4-0**

**WAIVE RULES:**

Moved by Jaworski, seconded by Szymanski to waive the rules to introduce a new item.

Yeas: Noman. Szymanski, Schiavi, Jaworski

Absent: Kulczyk

**CARRIED 4-0**

**Employment of Retired Police Officers – Resolution No. 13, 2010**

***Re: RESOLUTION AUTHORIZES THE DIRECTOR OF PUBLIC SAFETY TO EMPLOY RETIRED CITY POLICE AND HAVE THE POWERS OF PEACE OFFICERS AS SET FORTH IN 2:20 OF THE CRIMINAL PROCEDURE LAW.***

**WHEREAS,** Criminal Procedure Law 210.37 designates special patrolmen of a political subdivision appointed pursuant to 209-v of the General Municipal Law as peace officers, and

**WHEREAS,** General Municipal Law allows a municipality to employ retired former members of police or sheriff’s departments of the division of state police or retired correction, parole or probation officers for the purpose of providing special patrolmen in publicly owned property within the city, including property of our school district in order to protect the property or persons on such premises, and

**WHEREAS,** the aforesaid General Municipal Law 209-v provides that persons so employed shall have all the powers of peace officers as set forth in 2.20 of the Criminal Procedure Law when performing such duties as described above.

**NOW, THEREFORE, BE IT**

**RESOLVED,** the Council hereby authorizes the Director of Public Safety to employ retired former members of the city’s police department for the purpose of providing special patrolmen in publicly owned property within the city, including property of the school district, and it is further

**RESOLVED,** that the persons shall have the powers of peace officers as set forth in 2.20 of the Criminal Procedure Law when performing such duties, and it is further

**RESOLVED,** that the City Council shall have the power to fix the compensation of persons so employed either at annual or per diem rates. Employment provided for in this resolution shall be subject to the provisions Article Seven of the Retirement and Social Security Law.

**RESOLVED,** that this resolution shall take effect immediately.

Dated: 04-06-2010, Lackawanna, New York

Moved by Jaworski, seconded by Szymanski to adopt the resolution as presented

Yeas: Noman, Szymanski, Schiavi, Jaworski

Absent: Kulczyk

**CARRIED 4-0**

**RESOLUTIONS:**

**Change July Meeting Date – Resolution #14, 2010:**

THIS RESOLUTION SPONSORED BE COUNCIL PRESIDENT CHUCK JAWORSKI

**WHEREAS,** this Council has scheduled the July 12, 2010 meeting to be held in the Council Chambers of City Hall, Lackawanna, New York, and

**WHEREAS,** the meeting date will be changed to July 14, 2010 and held in the Council Chambers of City Hall, Lackawanna, New York, and

**NOW, THEREFORE, BE IT RESOLVED,** that the scheduled meeting of July 14, 2010 be held at 714 Ridge Road, Lackawanna, New York, caucus at 6:30 pm and meeting at 7:00 pm.

THIS RESOLUTION TO TAKE EFFECT IMMEDIATELY

Dated: 04-06-2010 – Lackawanna, New York 14218

Moved by Szymanski, seconded by Jaworski to adopt the resolution as presented

Yeas: Noman, Szymanski, Schiavi, Jaworski

Absent: Kulczyk

**CARRIED 4-0**

**LOCAL LAWS: LOCAL LAW NO. 3, 2010:**

A LOCAL LAW RESCINDING LOCAL LAW NO. 2, 2007.

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

1. Local Law No. 2 2007 is hereby rescinded and the real property tax exemption available to it under Section 487 of the New York State Real Property Tax Law for Wind Energy Systems is therefore restored.
2. This local law shall take effect immediately.
3. A copy of this law shall be filed with the State Board of Equalization and Assessment and the New York State Energy and Development Authority (NYSERDA) and the City Assessor.

Dated: 04-06-2010 - Lackawanna, New York 14218

Moved by Jaworski, seconded by Schiavi that Real Property Exemption under section 487 of the New York State Real Property Tax Law for Wind Energy Systems is restored.

Yeas: Noman, Szymanski, Schiavi, Jaworski

Absent: Kulczyk

**CARRIED 4-0**

**ADJOURNMENT:**

Moved by Schiavi, seconded by Szymanski the meeting be adjourned

Yeas: Noman, Szymanski, Schiavi, Jaworski

Absent: Kulczyk

**CARRIED 4-0**

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**BARBARA ROSINSKI, DEPUTY CITY CLERK**







**COUNCIL MEETING**  
**Monday, April 19, 2010**  
**COUNCIL CHAMBERS**  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)

Regular Session of the Lackawanna City Council met in the Council Chambers, President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by President Jaworski.

**ROLL CALL: Present:** Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**Dept. Heads Present:** Law, Recreation, Development, Public Works  
**Excused:** Public Safety

**Hearings from Citizens:**

**APPROVE MINUTES:**

Moved by Schiavi, seconded by Kulczyk to approve the minutes of April 6, 2010 as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**DEPARTMENTAL REPORTS:**

1. City Clerk – Monthly report for March, 2010.
2. City Treasurer – Deposits into General Fund – March, 2010.
3. City Compt. – AP Check Listing #35, March 25, 2010.
4. City Compt. – AP Check Listing #36, March 31, 2010.
5. City Compt. – AP Check Listing #37, April 1, 2010
6. City Compt. – AP Check Listing #38, April 8, 2010.

Moved by Jaworski, seconded by Schiavi, to receive and file the monthly reports.

Yeas: Noman Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**COMMUNICATIONS FROM THE MAYOR:**

**South Towns Youth Engaged in Service Project:**

7. To: City Council

I am requesting your Honorable Body approve the contract for the South Towns Youth Engaged in Service Project (Y.E.S.) to allow the City of Lackawanna and the Town of West Seneca to enter into an agreement regarding this program.

If you have any questions please contact Mr. James Sieracki, Youth Board Director and he would be happy to answer them for you.

**NORMAN L. POLANSKI, JR., MAYOR**

Moved by Szymanski, seconded by Jaworski to approve the contract for the South Towns Youth Engaged in Service Project.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5-0**

**COMMUNICATIONS FROM THE COUNCIL:**

**Change Alternate Parking – Jackson Street:**

**8.** To: City Council

As per our conversation regarding the residents on Jackson Street in Bethlehem Park, they are requesting that alternate parking be changed from the current time of 6 p. to 4 pm. This change allows customers to park on the North Side of Jackson Street during the dinner hours.

Also, for the months of April thru December I would like to recommend parking only on the North Side of Jackson Street. This would give businesses four additional spots of parking during the summer months.

Your consideration in passing this ordinance is greatly appreciated.

**CHUCK JAWORSKI, COUNCIL PRESIDENT**

Moved by Jaworski, seconded by Szymanski to receive and file and act on the ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5-0**

**COMMUNICATIONS FROM DEPARTMENT/DIVISION HEADS:**

**Sale of Property to NRP Group:**

**9.** To: City Council

Please have the attached Ordinance (Sale of Property to NRP Group Ordinance) on the agenda for Council approval. Thank you.

**ARC. J. PETRICCA, CITY ATTORNEY**

Moved by Jaworski, seconded by Noman to receive and file and act on the ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5-0**

**ORDINANCES:**

**Jackson Street Parking:**

*AN ORDINANCE AMENDING CHAPTER 215 OF THE LACKAWANNA MUNICIPAL CODE, "TRAFFIC AND VEHICLES."*

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. Section 215.43 "Parking, Standing and Stopping Restrictions is hereby amended to include the following:

99. **Jackson Street**

On the North Side:

No Parking from Sunday 4:00 pm to 6:00 pm Wednesday

On the South Side:  
No Parking from Wednesday 4:00 pm to Sunday 6:00 pm

From April 15<sup>th</sup> to December 1<sup>st</sup>  
Parking on North Side Only.

SECTION 2. This Ordinance shall take effect immediately.  
Dated : April 19, 2010 – Lackawanna, New York 14218

Moved by Jaworski, seconded by Szymanski to adopt the Traffic Ordinance as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**Sale of Property to NRP Group:**

***AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY  
PURSUANT TO MUNICIPAL CODE SECTION 107.***

BE IT ENACTED by the City Council of Lackawanna, New York as follows:

**SECTION 1.** That the City Council hereby approves of the transfer of property known as SBL 141.11-1-6, 141.11-1-36.1, 141.43-2-26.1 and 141.43—4-2.11 to MRP Group, LLC.

**SECTION 2.** That the transfer is made for the sum of \$15,500.00 cash to the City of Lackawanna. The deed shall contain a reverter providing for a reversion to the City unless the deed is recorded in the Erie County Clerk's Office within 30 days of its delivery.

**SECTION 3.** That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna.

**SECTION 4.** That the Law Department shall prepare documents to be executed for the transfer of the property.

***THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY ONLY AFTER THE  
APPROVAL AND SIGNATURE OF THE MAYOR.***

Dated: April 21,2010 - Lackawanna, New York 14218

Moved by Jaworski, seconded by Szymanski to adopt the Ordinance as written and the City Attorney to prepare the necessary Ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**TABLED ITEM:**

**Lease Agreement –St. Stephens Serbian Church: Tabled 12/21/09**

Moved by Schiavi, seconded by Jaworski to remove from the table communication #9 from the meeting of 12/21/09 regarding the lease agreement with St. Stephens Serbian Church.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

Moved by Schiavi, seconded by Jaworski to **deny** the renewal of the lease agreement with St. Stephens Serbian Church.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**ADJOURNMENT:**

Moved by Jaworski, seconded by Kulczyk to adjourn the meeting.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**JACQUELINE CAFERRO, CITY CLERK**



**COUNCIL MEETING**  
**Monday, May 03, 2010**  
**COUNCIL CHAMBERS**  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)

Regular Session of the Lackawanna City Council met in the Council Chambers, President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by President Jaworski.

**ROLL CALL: Present:** Noman, Kulczyk, Schiavi, Jaworski

**Absent:** Szymanski excused

**Dept. Heads Present:** Law, Recreation, Development, Comptroller

**Absent:** Public Works, Public Safety, excused

**Hearings from Citizens:**

**APPROVE MINUTES:**

Moved by Kulczyk, seconded by Schiavi the minutes of April 19, 2010 be approved.

Yeas: Noman, Kulczyk, Schiavi, Jaworski

**CARRIED 4-0**

**DEPARTMENTAL REPORTS:**

1. City Compt. – Statement of Cond. Of Approp. as of March 31, 2010.

Moved by Jaworski seconded by Schiavi to receive & file the report.

Yeas: Noman, Kulczyk, Schiavi, Jaworski

**CARRIED 4-0**

**COMMUNICATIONS FROM THE MAYOR:**

**Chamber of Commerce \$20,000 support:**

2. To: City Council

The Lackawanna Chamber of Commerce has approached me asking for support from the city in the amount of \$20,000. They said they have spoken to the council and this letter is to inquire as to your support for this idea. I am asking for a yes or no vote on this figure.

**NORMAN POLANSKI, MAYOR**

Moved by Jaworski, seconded by Kulczyk that the request for support for the Chamber of Commerce be **TABLED**.

Yeas: Noman, Kulczyk, Schiavi, Jaworski

**CARRIED 4-0**

**COMMUNICATIONS FROM THE COUNCIL:**

**Szymanski Marriage Officer:**

3. To: City Council

I am requesting your support in my re-appointment as a Marriage Officer for the City of Lackawanna, New York. Thank you for your support in this matter.

**GEOFFREY M. SZYMANSKI, SECOND WARD COUNCILMAN**

Moved by Jaworski, seconded by Noman to receive & file and act on the resolution.

Yeas: Noman, Kulczyk, Schiavi, Jaworski

**CARRIED 4-0**

**COMMUNICATIONS FOR DEPARTMENT/DIVISION HEADS:**

**Bids on Fire Prevention & Safety Grant:**

4. To: City Council

I have reviewed the bid for our Fire Prevention & Safety Grant. I recommend the bid be awarded to the only bidder, Alert-All, of New Holland, Pennsylvania for the grant award of \$6,490.00.

**RALPH GALANTI, FIRE CHIEF**

Moved by Jaworski, seconded by Schiavi the bid be awarded to Alert-All for \$6,490.00.

Yeas: Noman, Kulczyk, Schiavi, Jaworski

**CARRIED 4-0**

**Bids on the Assistance to Firefighters Grant:**

5. To: City Council

I have reviewed the bids for the equipment for the Assistance to Firefighters Grant. I recommend the bid be awarded to the lowest bidder, Colden Enterprises, Tonawanda, New York for the bid of \$19,304.20.

**RALPH GALANTI, FIRE CHIEF**

Moved by Schiavi, seconded by Kulczyk the bid be awarded to Colden Enterprises for the bid amount of \$19,304.20.

Yeas: Noman, Kulczyk, Schiavi, Jaworski

**CARRIED 4-0**

**Bids for Phone & Recording System for Fire Department:**

6. To: City Council

I have reviewed the bids for the phone and recording system for the fire department. I recommend the bid be awarded to the lowest bidder, Ronco Communications and Electronics, Tonawanda, NY for the bid of \$12,201.00.

**RALPH GALANTI, FIRE CHIEF**

Moved by Schiavi, seconded by Kulczyk that the bid be awarded by Ronco Communications for \$12,201.00

Yeas: Noman, Kulczyk, Schiavi, Jaworski

**CARRIED 4-0**

**Entertainment Licenses:**

Faso's Grateful Bear – 1506 Abbott Rd. – Class 1 – Live Music - \$50  
Red Eye Saloon – 1311 Abbott Rd. – Class 1 – Live Music - \$50  
Bokans Pub – 2847 South Park Ave. – Class 1 - \$50  
Solitaires Restaurant – 1783 Electric – Class 2 – Coin Operated Music \$25  
Woody's Pub – 1811 Abbott Rd. – Class 1 – Live Music - \$50

Moved by Jaworski, seconded by Schiavi that Entertainment Licenses be granted to the above establishments.

Yeas: Noman, Kulczyk, Schiavi, Jaworski

**CARRIED 4-0**

**RESOLUTIONS:**

**Resolution #15, 2010 Szymanski Marriage Officer:**

**WHEREAS**, New York State on April 15, 1988 amended the Domestic Relations Law A-1077, allowing the governing body of a municipality the right to appoint Marriage Officers for a period not to exceed four years, effective January 1, 1988, and

**WHEREAS**, the Marriage Officers shall have the authority to solemnize marriages in the Municipality which makes said appointments, and

**WHEREAS**, the Lackawanna City Council is desirous of appointing a Marriage Officer in conformance with the Domestic Relations Law.

**NOW, THEREFORE, BE IT RESOLVED**, that Geoffrey M Szymanski, be and he is hereby appointed as a Marriage Officer for the City of Lackawanna, said term not to exceed four years, a limitation as imposed by the law of New York State, and

**BE IT FINALLY RESOLVED**, this resolution shall take effect immediately.

Dated: May 3, 2010 – Lackawanna, New York

Moved by Jaworski, seconded by Schiavi that the resolution be approved

Yeas: Noman, Kulczyk, Schiavi, Jaworski

**CARRIED 4-0**

**WAIVE RULES INTRODUCE NEW ITEM:**

Moved by Jaworski, seconded by Schiavi to waive the rules and introduce a new item.

Yeas: Noman, Kulczyk, Schiavi, Jaworski

**CARRIED 4-0**

**NEW ITEM**  
**ADVERTISE FOR SALE USED POLICE CARS:**

To: City Council

The Lackawanna Police Department has several older/or high mileage vehicles that need major repairs. Due to the age and /or mileage it is not worth putting money into these vehicles. Therefore I would ask the Honorable City Council for permission to advertise these vehicles for sale. I would also ask that the proceeds from the sale of said vehicles be placed into the police repair account which is A.3120.0443.

The four vehicles are as follows:

- 1) 1999 Ford Crown Victoria, 4DSD, color blue  
Vin #2FAFP71W1XX130212 – Mileage – 57,449
- 2) 2000 Ford Explorer, SUV, marked patrol vehicle #21  
Vin # 1FMZU71E0YUB61429 – Mileage – 70,145
- 3) 2001 Ford Crown Victoria, 4DSD, color silver  
Vin # 2FAFP71W31X173229 – Mileage – 143,406
- 4) 2004 Ford Crown Victoria, 4DSD, marked patrol vehicle #22  
Vin # 2FAFP71W54X118172 – mileage – 121,500

The police Department also has one vehicle that was seized through the Drug Enforcement Agency. We would like to also advertise that vehicle for sale. As per forfeiture law, the proceeds from that sale have to be placed into the Narcotics Account which is A.695.

- 1) 2002 Chevrolet Trailblazer, SUV, color gray  
Vin #1GNDDT1SX22493728 – mileage – 121,500

I gratefully appreciate your approval in selling these vehicles. Once I am notified that we can proceed, the Purchasing Director will place said vehicles on EBay.

**JAMES L. MICHEL, JR., POLICE CHIEF**

Moved by Jaworski, seconded by Schiavi to authorize Tom Nicometo to advertise on EBay the sale of the above vehicles.

Yeas: Noman, Kulczyk, Schiavi, Jaworski

**CARRIED 4-0**

**ADJOURNMENT:**

Moved by Kulczyk, seconded by Schiavi the meeting be adjourned.

Yeas: Noman, Kulczyk, Schiavi, Jaworski

**CARRIED 4-0**

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**BARBARA ROSINSKI, DEPUTY CITY CLERK**

**SPECIAL COUNCIL MEETING  
TUESDAY, MAY 11, 2010  
12:00 NOON  
COUNCIL CHAMBERS**

Special session of the Lackawanna City Council met in the Council Chambers, Council President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Jaworski.

NB: Meeting is being recorded

Roll Call: Present: Noman, Kulczyk, Schiavi, Jaworski

**Emergency Funding – Repair of DPW Building**

1. To: City Council

Please schedule a special meeting to confirm the accident on April 20, 2010 and declare an emergency allowing the Commissioner of Public Works to safe guard and repair the DPW building as soon as possible.

ARC. PETRICCA, CITY ATTORNEY

Moved by Jaworski, seconded by Schiavi to approve funds for the emergency repair of the Department of Public Works building up to the amount of \$30,000. After studies are complete on the total repairs, the work is to be put out for bidding.

Yeas: Noman, Schiavi, Jaworski. Carried 3-1

Nays: Kulczyk

Moved by Jaworski, seconded by Schiavi, meeting is adjourned.

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CHUCK JAWORSKI, COUNCIL PRESIDENT

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JACQUELINE CAFERRO, CITY CLERK



**COUNCIL MEETING**  
**COUNCIL CHAMBERS**  
**Monday, May 17, 2010**  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)

Regular Session of the Lackawanna City Council met in the Council Chambers, President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by President Jaworski.

Roll Call: Council: Present: Noman, Szymanski, Kulczyk, Schiavi, Jaworski  
Dept. Heads: Present: Law, Public Works, Public Safety, Recreation, Development

**Hearings from Citizens:**

**Approval of Minutes:**

Moved by Schiavi seconded by Kulczyk that the minutes of April 19, 2010 be approved as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Departmental Reports:**

1. City Clerk – Monthly Report for May, 2010.
2. City Treasurer – Receipts deposited in General Fund – April, 2010.
3. City Compt. – AP Check Listing #39 - April 15, 2010.
4. City Compt. – AP Check Listing #40 – April 30, 2010.
5. City Compt. – AP Check Listing #41 – May 6, 2010.

Moved by Schiavi, seconded by Jaworski to receive & file the Departmental Reports one through five.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**COMMUNICATIONS FROM THE MAYOR:**

**CDBG Demolition Project Agreement:**

6. To: City Council:

I am requesting your Honorable Body pass the following resolution to allow the City of Lackawanna to enter into an agreement with Erie County for the CDBG Demolition Project Amendatory Agreement.

**NORMAN L. POLANSKI, JR., MAYOR**

Moved by Jaworski, seconded by Szymanski to receive & file, act on resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**COMMUNICATIONS FROM THE COUNCIL:**

**Agreement with Chamber of Commerce:**

7. To: City Council

I am asking for your support for the attached agreement from the Lackawanna Chamber of Commerce. Thank you for your consideration in this matter.

**CHUCK JAWORSKI, COUNCIL PRESIDENT**

Moved by Jaworski, seconded by Noman to approve the agreement with reports to the Council. Agreement on file in the City Clerk's Office.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**COMMUNICATIONS FROM DEPARTMENT/DIVISION HEADS:**

**Fire Dept. - Sale of Breathing Apparatus (SCBA's):**

8. To: City Council

I am requesting permission to sell the fire department's old Self Contained Breathing Apparatus (SCBA's) and related equipment. The fire department replaced these items through assistance to Firefighters Grant and is no longer needed.

**RICHARD STARTEK, DIRECTOR OF PUBLIC SAFETY**

Moved by Jaworski, seconded by Szymanski, permission is granted to sell old self contained breathing apparatus and related equipment.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Fire Dept- Award Contract – Oxygen Generating System – Dival Safety**

9. To: City Council

I have reviewed the bids for the Oxygen Generating System for the fire department. I recommend the contract be awarded to the lowest bidder, DIVAL Safety, of Buffalo, New York for the bid of \$21,500.

**RICHARD STARTEK, DIRECTOR OF PUBLIC SAFETY**

Moved by Schiavi, seconded by Szymanski to award the contract for Oxygen Generating System to the low bidder DIVAL Safety.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**HOUSEHOLD HAZARDOUS WASTE DROP-OFF DAY:**

10. To: City Council

For your information, attached is a flyer on Erie County Household Hazardous Waste Drop-Off Day, scheduled for Saturday, June 19, 2010, 9:00 AM – 2:00 PM.

**RALPH D. MIRANDA, DIRECTOR OF DEVELOPMENT**

Moved by Jaworski, seconded by Szymanski to receive and file, City Clerk to advertise in the Front Page for two (2) weeks.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**MS4 ANNUAL REPORT:**

**11:** To: City Council

Attached for your review is the City of Lackawanna's MS4 Annual Report.

**RALPH D. MIRANDA, DIRECTOR OF DEVELOPMENT**

Moved by Jaworski, seconded by Szymanski to receive and file the report.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**AUTISM BENEFIT:**

**12.** To: City Council

My name is Michelle (Shine) Drum. I was born in Lackawanna and still currently reside here. My three year old son, Nathaniel was diagnosed with Severe Autism at the age of two years. He has been attending Buffalo Hearing and Speech since the age of two for therapy and school and has shown much improvement in his development and growth. I feel strongly that Autism is a cause that deserves more awareness and education of the public. I have decided to put together a benefit to help support Autism Awareness called "Speak for Autism Benefit". Buffalo Hearing & Speech Center has given me their full support in this effort.

Buffalo Hearing & Speech Center is a not-for-profit organization and will be the recipient of all the proceeds from this fundraiser. They will then use the proceeds towards funding Autism Awareness education, medical research and funding therapy programs.

The Knights of Columbus, 2838 S. Park Ave., Lackawanna, NY, has graciously donated their hall for this benefit on Friday, September 10, 2010 from 4pm to 11pm. Activities will hopefully include a petting zoo, bounce house and face painting for children. A Chinese Auction, door prizes and Autism Awareness souvenirs will be available for donations. Dinner will be served buffet style between 6pm and 8pm. live music will perform outside from 6pm until 10:30pm under the Knights of Columbus Entertainment License upon the City Council's approval. There will also be a beer tent present outside and security will be provided. I have applied for a Temporary Liquor License through the New York State Liquor Authority for the stated date.

We will be promoting this benefit throughout Western New York. This event will not only aid in the Autism Awareness cause but will also be beneficial to the City of Lackawanna. I sincerely hope for the Council's consent and approval of this benefit. I thank you for your time and consideration.

**MICHELLE (SHINE) DRUM**

Moved by Jaworski, seconded by Szymanski to approve the request, City to waive the fee for outdoor entertainment.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**COMMISSIONER OF DEEDS- Lynn Tucker**

**13.** To: City Council

My name is Lynn Kusmierz Tucker and I am requesting from you, to become a Commissioner of Deeds. I am currently employed by PBS Investigations, 659 Ridge Rd., Lackawanna. I work as a Private Investigator all over WNY for various attorneys and need to be able to take statements from clients. I thank all of you for your time and consideration in this important matter.

**Lynn (Kusmierz) Tucker**

Moved by Jaworski, seconded by Schiavi to approve request for Commissioner of Deeds within the City of Lackawanna.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**COMMISSIONER OF DEEDS- Frank Tobias**

**14.** To: City Council

My name is Frank Tobias and am requesting to become a Commissioner of Deeds. I am currently employed by PBS Investigations, 659 Ridge Rd., Lackawanna. I work as a Private Investigator all over WNY for various attorneys and need to be able to take statements from our clients. I thank you for your time and cooperation in this matter.

**Frank R. Tobias**

Moved by Schiavi, seconded by Jaworski to approve the request as Commissioner of Deeds within the City of Lackawanna.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**RESOLUTIONS:**

**RESOLUTION #16, 2010-DEMOLITION PROJECT:**

**WHEREAS,** the City's 2008 CDBG Demolition Project agreement must be amended to increase and extend the project scope and budget.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Mayor is hereby authorized to execute on behalf of the City the First Amendatory Agreement to the October 21, 2008 sub-recipient agreement between the City and the County of Erie for Building Demolition Project.

**RESOLVED,** that this resolution shall take effect immediately.

Moved by Jaworski, seconded by Szymanski to adopt the resolution as written

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**WAIVE RULES:**

Moved by Jaworski, seconded by Szymanski to waive the rules and introduce a new item.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5-0**

**CLOSE O'DELL ST.-JUNE 5<sup>TH</sup>, 2010:**

**15.** To: City Council

Mr. & Mrs. Royster of Wilmuth Street, Lackawanna are requesting the approval of the Lackawanna Bengals' third annual "Taste of Lackawanna" to be held Saturday, June 5<sup>th</sup>, 2010. They are requesting to block off O'Dell Street (between Ingham and Wilmuth) from 9:00 am to 9:00 pm. The actual event will be held from 12:00 Noon until 8:00 pm. Thank you for anticipated cooperation in the above regard.

**Richard Startek, Director of Public Safety**

Moved by Jaworski, seconded by Noman to grant permission, Public Safety to oversee.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5-0**

**ADJOURNMENT:**

Moved by Kulczyk, seconded by Jaworski that the meeting be adjourned.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5-0**

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**JACQUELINE CAFERRO, CITY CLERK**



**COUNCIL MEETING  
TUESDAY, JUNE 1, 2010  
COUNCIL CHAMBERS  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)**

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Jaworski.

**Meeting called to order/Pledge of Allegiance  
NB: Meeting being recorded.**

Roll Call: Present: Noman, Szymanski, Kulczyk, Schiavi, Jaworski  
Dept.Heads: Present: Law, Public Works, Public Safety, Comptroller, Development  
Excused: Recreation

**Approval of Minutes**

Moved by Kulczyk, seconded by Schiavi to approve the minutes of regular meeting of May 17, 2010.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

**Departmental Reports:**

1. City Compt. – Statement of Cond. Of Approp. as of April 30, 2010.
2. City Compt. – AP Check Listing #42, May 13, 2010.
3. City Compt. – AP Check Listing #43, May 18, 2010.
4. City Compt. – AP Check Listing #44, May 20, 2010.

Moved by Jaworski, seconded by Kulczyk to receive and file departmental reports.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

**Communications from the Mayor:**

**Buy-Out Offer**

5. To: City Council

I request your honorable body allow the city to offer a \$15,000 buy-out to our employees who are willing to retire between July 31 and October 15, 2010. This will help reduce the work force in our city.

MAYOR NORMAN L. POLANSKI JR.

Moved by Jaworski, seconded by Kulczyk to refer to City Attorney for further details on the terms of the buyout.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

## **Communications from the Council:**

### **Credit Card Facilities – City Clerk/City Treasurer Offices**

6. To: City Council

I am asking your support for approval of the contract from JP Morgan Chase, allowing our residents to use credit cards in the City Clerk and Treasurer Offices. There is no charge to the city for their services.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Jaworski, seconded by Szymanski to receive and file, act on resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

### **Classic Card Show – Matthew Glab Post**

7. To: City Council

Please approve a one day permit for the Matthew Glab Post on July 17, 2010, hours of operation 12 noon to 6 pm for a Classic Car Show with Sound System.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Jaworski, seconded by Kulczyk to approve request.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

### **Parking on Spruce Street**

8. To: City Council

I seek approval of traffic ordinance amending the parking on Spruce Street. The Council approved a traffic ordinance which maintained parking on one side of Jackson Street at the meeting of April 19, 2010. This ordinance amending parking on Spruce Street will alleviate the persistent problem of cars parking on both sides of Spruce Street, making it impossible for any emergency vehicles to enter.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Jaworski, seconded by Noman to receive and file, act on ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

### **DPW Building Repair**

9. To: City Council

I have received a memo from the city attorney regarding repairs to the damaged DPW building. He states that per the engineering company, TVGA, repairs should proceed under emergency procedure of the city code because the bidding process can result in an unmanageable delay. Please act on the proposed action.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Jaworski, seconded by Szymanski to have three (3) informal bids submitted to the Council for approval, along with a recommendation from TVGA Engineering.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

## **Communications from Department/Division Heads**

### **Budget Amendment – Repairs to Senior Center**

10. To: City Council

The City of Lackawanna has received a grant from NYS for repairs to the Senior Building. In order to account for the grant it will be necessary to amend the current operating budget recognizing the revenues and expenditures relating to the project. Attached is the ordinance prepared by the Law department for your approval.

ROBERT MARCINIAK, CITY COMPTROLLER

Moved by Jaworski, seconded by Noman to receive and file, act on ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

### **Budget Amendment – Gasoline Tanks**

11. To: City Council

The City Council awarded the contract for removal and replacement of the gas tanks at the City Garage to Environmental Consultants. Since insufficient monies are available in Code A5132.444, Repairs and Replacements, it will be necessary for your honorable body to amend the budget. Attached please find an ordinance prepared by the Law Department for your approval.

ROBERT MARCINIAK, CITY COMPTROLLER

Moved by Szymanski, seconded by Jaworski to receive and file, act on ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

### **Budget Amendment – Fire Grants**

12. To: City Council

The city has received three grants. In order to account for the grants it will be necessary for your honorable body to amend the current operating budget recognizing the revenues and expenditures relating to these projects. Attached please find an ordinance prepared by the City Attorney for your approval.

ROBERT MARCINIAK, CITY COMPTROLLER

Moved by Jaworski, seconded by Szymanski to receive and file, act on ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

### **Resolutions:**

Resolution #17, 2010 – J P Morgan Chase – Credit Cards

Be it resolved, that the mayor is authorized to sign the service agreement with JP Morgan Chase to allow payment processing service of credit card payments to the city to be effective on the date the agreement is accepted by the bank. The term of three years will automatic annual renewals thereafter.

This resolution shall take effect immediately.

Moved by Schiavi, seconded by Jaworski to adopt resolution as written.  
Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

**Ordinances:**

**Budget Amendment - Repairs to the Senior Citizen Center**

An ordinance amending the 2009-2010 budget ordinance to provide for funding for the repairs at the Senior Citizen Center. The budget is hereby amended to add \$200,000 to budget code A16210.0443 and revenue code A3890, State Aid – Senior Citizens Center.  
THIS ORDINANCE SHALL TAKE EFFECT AFTER THE SIGNATURE OF THE MAYOR.

Moved by Jaworski, seconded by Schiavi to adopt ordinance as written.  
Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

**Budget Amendment – Removal/Replacement of Gas Tanks – DPW**

An ordinance amending the 2009-2010 budget ordinance to provide for funding for the removal and replacement of gas tanks at the City Garage. The budget is amended to add the sum of \$190,000 to budget code A5132.0443, repairs and replacements, to appropriate \$190,000 of the city's fund balance.  
THIS ORDINANCE SHALL TAKE EFFECT AFTER THE SIGNATURE OF THE MAYOR

Moved by Jaworski, seconded by Schiavi to adopt ordinance as written.  
Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

**Budget Amendment – Grants for Fire Department**

An ordinance amending the 2009-2010 budget ordinance to provide the funding for three Fire Department Grants. The budget is amended to add the sum of \$56,628 to new budget code A3410.0281 Fire Equipment Grants, and new revenue code A3810, State Aid-Fire Equipment Grants.  
THIS ORDINANCE SHALL TAKE EFFECT AFER THE SIGNATURE OF THE MAYOR

Moved by Jaworski, seconded by Schiavi, to adopt ordinance as written.  
Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

**Budget Ordinance – Operating Budget 2010-2011**

An ordinance adopting the current expense budget of the City Lackawanna for the fiscal year 2010-2011. as follows:

**Section 1.** The City Charter requires the City Council adopt a current expense budget for the fiscal year August 1, 2010 through July 31, 2012, showing all city expenditures and revenues and including the real property tax rate.

**Section 2.** That the sum of \$8,888,675 being the entire amount determined to be necessary to be raised by taxation to defray the expense of the City for years 2010-2011 fiscal year, apportioned in the amount of \$3,888,559 for properties qualifying as homestead properties and \$5,000,116 for non-homestead properties, in accordance with the detailed statement of revenues and expenses as estimated and adopted by the City Council be and the same hereby levied upon all real and person property subject to taxation upon the assessment roll of the City of Lackawanna.



Moved by Jaworski, seconded by Noman to adopt ordinance as written.  
Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

Moved by Jaworski, seconded by Kulczyk to waive rules.  
Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

**Ordinance**

An ordinance amending the budget to add \$20,000 to new budget code A1990.1970, Chamber of Commerce, from City's fund balance.

Moved by Jaworski, seconded by Kulczyk to adopt ordinance as written.  
Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

Moved by Jaworski, seconded by Kulczyk, meeting is adjourned.  
Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

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CHUCK JAWORSKI, COUNCIL PRESIDENT

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BARBARA ROSINSKI, DEPUTY CLERK

**COUNCIL MEETING**  
**MONDAY, JUNE 14, 2010**  
**COUNCIL CHAMBERS**  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Jaworski.

**Meeting called to order/Pledge of Allegiance**

**N.B. Meeting being recorded.**

**Roll Call: Present:** Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**Dept. Heads: Present:** Law, Public Safety, Development, Recreation

**Excused:** Public Works

**Approval of Minutes:**

Moved by Schiavi, seconded by Kulczyk, to approve the minutes of the regular meeting of June 1, 2010.

Yeas: Kulczyk, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**Departmental Reports:**

1. City Clerk – Monthly Report for May, 2010.
2. City Treasurer – Total receipts deposited into General Fund.
3. City Compt. – AP Check Listing #45 – May 28, 2010.
4. City Compt. – AP Check Listing #46 – June 4, 2010.

Moved by Schiavi, seconded by Szymanski to receive and file the departmental reports.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**Communications from the Mayor:**

**Retirement Incentive:**

5. To: City Council

I am requesting your Honorable Body adopt the attached Local Laws(part a & b) regarding a retirement incentive program as authorized by Chapter 105, Laws of 2010 for eligible employees of the City of Lackawanna. Thank you in advance for your cooperation in this matter.

**NORMAN L. POLANSKI, MAYOR**

Moved by Jaworski, seconded Szymanski to receive and file, act on local laws.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**COMMUNICATIONS FROM THE COUNCIL:**

**Agreement with Chase Bank/Credit Cards:**

6. To: City Council

I am requesting the Council approval to authorize the Mayor to enter an agreement with JP Morgan Chase Bank for credit card facilities to be used in the City Clerk and Treasurer's Offices.

**CHUCK JAWORSKI, COUNCIL PRESIDENT**

Moved by Jaworski, seconded Schiavi to grant the request, authorize the Mayor to enter into an agreement with Chase Bank for credit card facilities.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jasworski **CARRIED 5-0**

**Meadowbrook/Norfred Block Party:**

7. To: City Council

On Sunday, July 4, 2010 the residents of Meadowbrook and Norfred are having a block party. They are requesting the City Council approve this area to be off for the party.

Sunday, July 4, 2010 – 1 pm to 9 pm

Meadowbrook between Meadowbrook and Norferd

And Cheryl and Norfred

Your cooperation in this matter is greatly appreciated.

**CHUCK JAWORSKI, COUNCIL PRESIDENT**

Moved by Jaworski, seconded by Szymanski to receive and file, party cancelled.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CANCELLED 5-0**

**Piggins Alley Block Party:**

8. To: City Council

Request that the Lackawanna City Council grant permission to Mr. Sam Chiodo to close off Piggins Alley from Electric to half way down for the purpose of having their annual 4<sup>th</sup> of July Outing. The date if July 4<sup>th</sup>, 2010 from 10 AM to 10 PM. Thank you for your consideration.

**RICHARD STARTEK, DIRECTOR PUBLIC SAFETY**

Moved by Szymanski, seconded by Jaworski to grant the request, Public Safety to oversee.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**PURCHASE OFFER 233 RIDGE ROAD:**

9. To: City Council

My office has received an offer to purchase the property at 233 Ridge Rd., for the amount of \$500 from Robert Cintron residing at 235 Ridge Road the parcel will be combined with his existing property. The current lot size is approximately 33 x 114 and has an assessed value of \$1,000. It is my recommendation that the City Council sell the above parcel to Robert Cintron for the sum of \$1,000.

**FRANK E. KRAKOWSKI, CITY ASSESSOR**

Moved by Jaworski, seconded by Noman to approve the sale, City Attorney to prepare necessary Ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**PURCHASE OFFER 50 WILSON ST:**

10. To: City Council

Habitat for Humanity has submitted a request to purchase the vacant property located at 50 Wilson Street for \$1.00. The parcel has a lot size of 60' x 101' and an assessed value of \$5,200. It is my recommendation that the City Council sell the above parcel to Habitat for Humanity for \$1.00, Habitat will be constructing a three bedroom home on the site.

**FRANK E. KRAKOWSKI, CITY ASSESSOR**

Moved by Noman, seconded by Jaworski to approve the sale, City Attorney to prepare the necessary Ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**ENTERTAINMENT LICENSE:**

Moved by Jaworski, seconded by Szymanski to approve the Entertainment License for the Nite Capp Restaurant – Class 1-Live Music - \$50.00.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**STATE RETIREMENT INCENTIVE PART A – LOCAL LAW 2010:**

**Part A – Chapter 105, Laws of 2010**

A LOCAL LAW electing a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the employees of the City of Lackawanna.

BE IT ENACTED BY THE City Council of the City of Lackawanna, New York as follows:

Part A – Additional Service Credit Option.

1. The CITY OF LACKAWANNA hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 105, Laws of 2010.
2. The commencement date of the retirement incentive program shall be August 2, 2010.
3. The open period, during which eligible employees may retire and receive the additional retirement benefits, shall be ninety (90) days in length.
4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the CITY OF LACKAWANNA for each employee who receives that retirement benefits payable under the local law.
5. This act shall take effect 8/2/2010.

Moved by Jaworski, seconded by Szymanski to adopt Local Law Part A, 2010.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**STATE RETIREMENT INCENTIVE PART B-LOCAL LAW No. 2010:**

Same as Part A – Part B age 55 with 25 years of service.

Moved by Jaworski, seconded by Szymanski to adopt Local Law Part B 2010

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**WAIVE RULES-RETIREMENT INCENTIVE:**

Moved by Jaworski, seconded by Szymanski to waive the rules regarding the City Retirement Incentive and introduce a communication from the City Attorney.

Yeas: Noman Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**CITY RETIREMENT INCENTIVE:**

To: City Council

Pursuant to your request, the following are the details of the early retirement incentive program which request you reinstated for the June 14, 2010 council meeting:

The City of Lackawanna announces a voluntary incentive program available to all employees with 20 years or more of continuous service with the city who apply for the incentive between June 20, 2010 and July 1, 2010, by completing an application form in writing with the City Civil Service office between the hours of 9:00 a.m. and 12:00 p.m. Said applicants must retire from

the city and actually receive their New York State Retirement Pension, before the city incentive can be paid. The voluntary incentive offer is the sum of \$15,000.00 which will be paid by separate check less payroll deductions and payable upon the employee's first New York State retirement check. The last work day for eligibility is October 15, 2010.

**ARC. PETRICCA, CITY ATTORNEY**

Moved by Jaworski, seconded by Kulczyk to approve the details pertaining to the early retirement incentive offered by the city.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**WAIVE RULES – BUDGET ORDINANCE 2010-2011:**

Moved by Jaworski, seconded by Kulczyk to waive the rules regarding the budget Ordinance for the City of Lackawanna 2010-2-11.

Yeas: Noman, Kulczyk, Schiavi, Jaworski

Nays: Szymanski

**CARRIED 4-1**

**RESOLUTION NO. 18, 2010:**

**WHEREAS**, pursuant to 4.4 of the City Charter the Mayor may withhold his approval of a budget item or items or withhold his approval of the entire budget ordinance. If within ten (10) days after an ordinance shall have been presented to him and the Mayor shall neither approve or return it to the clerk with his objections it shall be deemed enacted in like manner as if he had signed, and

**WHEREAS**, more than ten (10) days have elapsed since the 2010 budget ordinance was present to the Mayor duly approved by this council and Mayor has not approved it or returned it to the City Clerk with his objections.

**NOW, THEREFORE, BE IT**

**RESOLVED**, by the City Council that pursuant to 4.4 of the City Charter the budget ordinance for 2010 is hereby deemed enacted in like manner as if the Mayor had timely signed it, and the Mayor, Treasurer, Comptroller and all other department heads of the City are hereby directed to abide by it accordingly, the same being effective, nunc pro tunc, June 10, 2010.

**RESOLVED** that this resolution shall take effective immediately.

Moved by Jaworski, seconded by Kulczyk that the resolution be adopted as written.

Yeas: Noman, Kulczyk, Schiavi, Jaworski

Nays: Szymanski

**CARRIED 4-1**

**ADJOURNMENT:**

Moved by Jaworski, seconded by Kulczyk that the meeting be adjourned.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED 5-0**

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**JACQUELINE CAFERRO, CITY CLERK**



**COUNCIL MEETING**  
**WEDNESDAY, JULY 14, 2010**  
**COUNCIL CHAMBER**  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Jaworski.

**Meeting called to order/Pledge of Allegiance**  
**N.B. Meeting being recorded**

**Roll Call: Present:** Noman, Szymanski, Kulczyk, Schiavi, Jaworski  
**Dept. Heads: Present:** Law, Public Safety, Development  
**Excused:** Public Works, Recreation

**Hearings from Citizens**

**Approval of Minutes:**

Moved by Schiavi, seconded by Jaworski to adopt the minutes of the meeting of June 14, 2010 as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Departmental Reports:**

1. City Clerk – Monthly report for June, 2010.
2. City Treasurer – Receipts deposited into General Fund – June., 2010
3. City Compt. – Statement of Cond. Of Approp. as of May 31, 2010.
4. City Compt. – AP Check Listing #47, June 10, 2010.
5. City Compt. – AP Check Listing #48, June 18, 2010.
6. City Compt. – AP Check Listing #49, June 23, 2010.
7. City Compt. – AP Check Listing #50, June 30, 2010.

Moved by Jaworski , seconded by Schiavi the departmental reports one through seven be received and filed.

Yeas: Noman Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Communications from the Mayor:**  
**Parks, Recreation & Historic Preservation:**

8. To: City Council

I am requesting your Honorable Body to pass the resolution authorizing the City of Lackawanna to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation. Thank you in advance for your cooperation in this matter.

NORMAN POLANSKI, JR., MAYOR

Moved by Jaworski, seconded by Szymanski to receive and file and act on the resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Award Paving Bid to Amherst Paving:**

9. To: City Council

I am requesting your Honorable Body to award the bids for the attached referenced projects as requested by TVGA Consultants. Thank you in advance for your anticipated cooperation in this matter.

NORMAN POLANSKI, JR., MAYOR

Moved by Jaworski, seconded by Schiavi to award the contract for pavement to Amherst Paving for the low bid of \$280,448.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Communications from the Council:**  
**Line Dance Team Jamboree on 10/15/10:**

10. To: City Council

I am asking your support for the Lackawanna Line Dance Team to hold a Jamboree on Friday, October 15, 2010 at the Senior Center. This event will be held for 6:30 pm to 9:30 pm. They are requesting the use of 2 large coffee pots. The team will furnish their own coffee and coffee cups.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Schiavi, seconded by Kulczyk to approve the request.

Yeas: Noman, Szymanski, Kulczyk Schiavi, Jaworski CARRIED 5-0

**Communication from Department/Division Heads:**  
**2009-2010 Budget Transfers:**

11. To: City Council

Please be advised, pursuant to Chapter 12.12, Subdivision (C)2 of the City Charter, after a review of the Mayor's Office, the Department of Administration and Finance, the Department of Public Works, the Development/Economic Development Zone, the Department of Recreation and the Department of Public Safety, the attached lists of transfers were made to balance many of the 2009-2010 accounts.

ROBERT MARCINIAK, CITY COMPTROLLER  
NORMAN C. POLANSKI, JR., MAYOR

Moved by Jaworski, seconded by Szymanski to receive and file the list of budget transfers for 2009-2010.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Demolitions:**

12. To: City Council

I recommend you award the contract for demolition of the following properties to Hannah Demolition for the sum of \$68,600.00.

23 & 27 Green	31 Holland
30 Victory Front & Back	231 Ridge Road

I recommend you award the contract for demolition of the following property to Geiter Done of WNY for the sum of \$36,940.00

32 Ingham Ave.

Attached is the bid recap showing both contractors as the lowest bidders. Please note that 305 & 303 Ridge Road have been withdrawn from the demo list at this time.

RALPH MIRANDA, DIRECTOR OF DEVELOPMENT

Moved by Jaworski, seconded by Szymanski to award the contract for demolition of 23 & 27 Green, 30 Victory, 31 Holland and 231 Ridge Rd to Hannah Demolition and 32 Ingham to Geiter Done of WNY being the lowest bidders.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Adjusted Base Proportions:**

13. To: City Council

Pursuant to Article 19 of the New York State Real Property Tax Law and the New York State Office of Real Property Services Rules, NYCRR-186-10, the legislative body of the City of Lackawanna must establish current and adjusted base proportions.

Attached are forms EA6701 and EA6703 with computations of the Current Base Proportions and Adjusted Base Proportions for the City of Lackawanna and Lackawanna School District portions of the 2010-2011 assessment roll. Please direct the City Clerk to certify these forms with 0% Shift and forward them to the New York State Office of Real Property Services.

FRANK E. KRAKOWSKI, CITY ASSESSOR

Moved by Jaworski, seconded by Schiavi to receive & file act on resolution.

Yeas: Noman Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Offer to Purchase 142 Center Street:**

14.    To:    City Council

My office has received two offers to purchase 142 Center St: One offer from Mohsin Alshawai in the amount of \$9,100 and a second offer from Robert Sireika in the amount of \$10,100. The property contains a 5 unit apartment building currently valued at \$30,000 on a lot approximately 37 x 125. It is my recommendation that the City Council sell the above property to Robert Sireika for the sum of \$10,100. The purchaser will be responsible for the survey cost & any closing costs incurred by the law department.

FRANK E. KRAKOWSKI, CITY ASSESSOR

Moved by Szymanski, seconded by Jaworski to approve the purchase to Robert Sireika for the high bid of \$10,100 and purchaser is responsible for survey and closing costs. City Attorney to prepare the necessary ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Offer to Purchase 139 Ingham & 141 Ingham Ave.:**

15.    To:    City Council

My office has received an offer for 139 & 141 Ingham Ave. from Abdo Riyashi of 123 Ingham Ave. The combine offers amount to \$1,600 with a combined lot size of 90 x 120 and an assessed value of \$6,100. The purchaser would be adding a garage to the parcel and fencing. It is my recommendation that the City Council NOT sell the above property to Abdo Riyashi, instead the property should be held for new home construction not just for a garage. Mr. Riyashi currently possesses a 120 x 120 parcel adjacent to this vacant lot.

FRANK E. KRAKOWSKI, CITY ASSESSOR

Moved by Szymanski, seconded by Jaworski to table for further study.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Offer to Purchase 73 Steelawanna:**

16.    To:    City Council

My office has received an offer from Munassar Ahemd for the purchase of 73 Steelawanna for the amount of \$1,000. The purchaser proposes to extend his yard lot size of 50 x 100 and is not buildable with an assessed value of \$4,600. It is my recommendation that the City Council sell the property to Munassar Ahemd for \$1,000. The purchaser will be responsible for the survey cost & any closing costs incurred by the law department.

FRANK E. KRAKOWSKI, CITY ASSESSOR

Moved by Jaworski, seconded by Noman to approve the sale, purchaser responsible for survey and closing costs, city attorney to prepare the necessary ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Offer to Purchase 100 Dona St.:**

17. To: City Council

My office has received an offer from Doreen McAlister for the purchase of 100 Dona St. in the amount of \$20,600. The Purchaser proposes extensive rehabilitation to the property. It is my recommendation that the City Council NOT sell the above property to Doreen McAlister, the proposal lacks enough financial backing to take on a project of such size and expense. The City of Lackawanna has estimated that rehabilitation of this property would cost several million dollars.

FRANK E. KRAKOWSKI, CITY ASSESSOR

Moved by Jaworski, seconded by Schiavi to deny the request.

Yeas: Szymanski, Kulczyk, Schiavi, Jaworski

Nays: Noman

CARRIED 4-1

**Entertainment License:**

Sage's 3<sup>rd</sup> Base – 1213 Ridge Rd. – Tavern/Restaurant – Class 1 - \$50.00

Moved by Jaworski, seconded by Schiavi to approve the entertainment license.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**Parks, Recreation & Historic Preservation- Resolution #19, 2010:**

BE IT RESOLVED, that Norman L. Polanski, Jr., Mayor of the City of Lackawanna, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$400,000 and upon approval of said request, to enter into and execute a project agreement with the State for such financial assistance to the City of Lackawanna for the development of Ralph J. Galanti Municipal Park, and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property; and

That, the City of Lackawanna hereby reaffirms the City of Lackawanna Comprehensive Plan because the plan is over five years old.

THIS RESOLUTION SHALL TAKE EFFECTIVE IMMEDIATELY.

Moved by Schiavi, seconded by Szymanski to adopt the resolution as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**School Tax Levies – Resolution No. 20, 2010:**

WHEREAS, The City of Lackawanna may adopt locally adjusted base proportions pursuant to Local Law No. 3, 1993 and Section 1903.4 of the New York State Real Property Tax Law,

NOW THEREFORE, BE IT

RESOLVED, that for the Lackawanna School District tax levies for fiscal year 2010-2011, it is hereby established;

That the Council hereby adopts a 0% shift of its adjusted base Proportions resulting in the following *locally adjusted base proportions*:

<u>Shift</u>	<u>Homestead</u>	<u>Non-Homestead</u>
0%	42.05167	57.94833

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Moved by Jaworski, seconded by Schiavi to adopt the resolution as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**City Tax Levies – Resolution NO. 21, 2010:**

WHEREAS, The City of Lackawanna may adopt locally adjusted base proportions pursuant to Local Law No. 3, 1993 and Section 1903.4 of the New York State Real Property Tax Law,

NO THEREFORE, BE IT

RESOLVED, that for the City of Lackawanna tax levies for fiscal year 2010-2011, it is hereby established:

That the Council hereby adopts a 0% shift of its adjusted base Proportions resulting in the following *locally adjusted base proportions*:

<u>Shift</u>	<u>Homestead</u>	<u>Non-Homestead</u>
0%	43.74734	56.25266

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Moved by Schiavi, seconded by Kulczyk to adopt the resolution as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Adjournment:**

Moved by Schiavi, seconded by Kulczyk that the meeting be adjourned.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**JACQUELINE CAFERRO, CITY CLERK**



**COUNCIL MEETING  
SPECIAL MEETING  
FRIDAY, AUGUST 6, 2010**

Special session of the Lackawanna City Council met in the Council Chambers, Council President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Jaworski.

Roll Call: Present: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**Emergency Repairs to DPW Garage**

1. To: City Council

I request your honorable body approve the contract for emergency repairs to the DPW Garage to the low bidder, Conquer Acoustical for the bid price of \$137,900.

TOM LOVE, COMM. OF PUBLIC WORKS

Moved by Jaworski, seconded by Szymanski to approve request, contract awarded to Conquer Acoustical Inc.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

**Amend Budget – Emergency Repairs**

2. To: City Council

The city is in the process of making emergency repairs to the City Garage. Since the 2009-2010 monies have been closed to surplus, it will be necessary to re-appropriate funding in the 2010-2011 budget. Please find ordinance prepared by the Law Department.

BOB MARCINIAK, COMPTROLLER

Moved by Jaworski, seconded by Szymanski to receive and file, act on ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

**Ordinance – Amend Budget**

Section 1. An ordinance amending the 2010-2011 budget to provide funding for the repairs of the City Garage.

Section 2. The budget is amended to add \$250,000 to budget Code A5132.0443, repairs and replacements.

Section 3. The 2010-2011 budget is amended to appropriate \$250,000 of the City's fund balance.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Jaworski, seconded by Szymanski to adopt ordinance as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

Moved by Szymanski, seconded by Schiavi, meeting is adjourned.

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CHUCK JAWORSKI, COUNCIL PRESIDENT

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JACQUELINE CAFERRO, CITY CLERK

**COUNCIL MEETING**  
**MONDAY, AUGUST 16, 2010**  
**COUNCIL CHAMBERS**  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Jaworski.

**Meeting called to order/Pledge of Allegiance**  
**N.B. Meeting being recorded**

**Roll Call: Present: Noman, Szymanski, Kulczyk, Schiavi, Jaworski**  
**Dept. Heads: Present: Law, Public Safety, Development, Public Works, Recreation**

**Hearings from Citizens**

**Approval of Minutes:**

Moved by Schiavi, seconded by Jaworski to adopt the minutes of the Regular Meeting of July 14, 2010 and Special Meeting of August 6, 2010, as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Departmental Reports:**

1. City Compt. – Statement of Approp. as of June 30, 2010
2. City Compt. – AP Check Listing #51, July 8, 2010
3. City Compt. – AP Check Listing #52, July 15, 2010
4. City Compt. – AP Check Listing #53, July 22, 2010
5. City Compt. – AP Check Listing #54, July 27, 2010
6. City Clerk – Monthly Report for July, 2010
7. City Treas – Receipts deposited into General Fund, July, 2010

Moved by Schiavi, seconded by Kulczyk the departmental reports one through seven be received and filed.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Communications from the Council:**

**Honor D. Palmer–Silver Medalist NYS Empire Games:**

8. To: City Council

Please help me in honoring Dante Palmer with this proclamation for winning a Silver Medal at the recent New York State Empire Games. We would like to congratulate him with this proclamation we are presenting today.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Jaworski, seconded by Noman, Szymanski, Kulczyk, and Schiavi to honor Dante Palmer for winning special silver medal at the NYS Empire Games.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Terry Hannon Intent to Retire:**

9.      To:      City Council

I am requesting your Honorable Body to waive the twelve month declaration of intent to retire for Mr. Terry Hannon. Thank you for your immediate attention to this matter.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Jaworski, seconded by Schiavi to grant the request.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Use Stadium Parking Lot:**

10.     To:      City Council

I am asking for your approval for the Lackawanna Fire Department to use the Veteran's Stadium parking lot on September 25, 2010 at 9:00 A.M. for the starting point of their motorcycle run for the National Kidney Foundation. A letter from the Fire Department is attached for your review. Thank you for your support.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Kulczyk, seconded by Szymanski to approve the request.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Stray Cats Regulations & Restrictions:**

11.     To:      City Council

Please review the attached ordinance by the Law Department pertaining to cats. I am seeking your support in passing this ordinance.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Jaworski, seconded by Schiavi to receive and file, act on ordinance.

Yeas: Noman, Kulczyk, Schiavi, Jaworski

Nays: Szymanski      CARRIED 4-1

**School District Use of Stadium:**

12.     To:      City Council

I hereby submit and ask approval for the request made by the Lackawanna City School District to use Veterans Stadium for their 2010-2011 fall sport season. Game schedules will be forwarded to the City Council as soon as they become finalized and proof of insurance will be forwarded with the schedules as well.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Jaworski, seconded by Noman to approve the request.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**EXECUTIVE SESSION:**

Moved by Jaworski, seconded by Szymanski to enter into executive session at 7:30 pm.      CARRIED 5-0

Moved by Jaworski, seconded by Szymanski to reconvene the meeting at 7:45 pm      CARRIED 5-0

**Roll Call: Present:** Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**Restore Crossing Guards:**

13.      To: City Council

As school is about to begin I would like to recommend restoring Crossing Guards to our City Budget. This can be classified seasonal work and no unemployment benefits can be made against the City of Lackawanna. After talking with our Public Safety Director, he advised me the checker position can be eliminated and taken over by the Police Lieutenant on duty. We would transfer \$69,120 from the General Fund to code A3120.106. I am asking for your support to restore the Crossing Guards to protect our children in our City.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Szymanski, seconded Noman to amend the communication regarding restoring Crossing Guards to include funding to restore all manpower who were previously excluded in the City Budget.

Yeas: Noman, Szymanski

Nays: Kulczyk, Schiavi, Jaworski      MOTION FAILED 3-2

Moved by Jaworski, seconded by Szymanski to receive and file, act on the ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Communications from Department /Division Heads:**

**Sale of City Owned Property Moratorium:**

14.      To: City Council

Tom Love, Joyce Warthling, Frank Krakowski and Ralph D. Miranda request the Council to place a 12 month moratorium on selling City owned property until a work session can be scheduled with us to discuss ways of recouping funds spent on demolition and maintenance of these properties.

Tom Love      Frank Krakowski

Joyce Warthling      Ralph D. Miranda

Moved by Jaworski, seconded by Schiavi to amend, and approving a three (3) month moratorium of selling City owned property to include Ridge Rd., South Park, Rte. 5 and Abbott Road.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Intent to Retire J.Caferro:**

15. To: City Council

Please let this letter serve as notification of my intent to retire on October 15, 2010. I am requesting your Honorable Body waive the twelve month declaration of intent to retire and approve my working on a part time basis for the balance of my appointment.

JACQUELINE CAFERRO, CITY CLERK

Moved by Jaworski, seconded by Kulczyk that the request be approved.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Joint Easement Martin Rd:**

16. To: City Council

Please put the attached resolution on the agenda for Council approval.

Thank you.

ARC. J. PETRICCA, CITY ATTORNEY

Moved by Jaworski, seconded by Szymanski to receive & file, act on resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Covenants Martin Rd. Subdivision:**

17. To: City Council

Please include in the agenda for August 16, 2010, regarding covenants for Martin Road Subdivision.

ARC. J. PETRICCA, CITY ATTORNEY

Moved by Jaworski, seconded by Kulczyk to receive and file, act on resolution

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Sale of Ridge Rd, Center St & Steelawanna Properties:**

18. To: City Council

Please put the attached ordinances for the sale of 233 Ridge Rd, 142 Center St, and 73 Steelawanna on the agenda for Council approval. Thank you.

ARC. J. PETRICCA, CITY ATTORNEY

Moved by Jaworski, seconded by Noman to receive & file, act on resolution

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Assessor Attend Seminar:**

19. To: City Council

I am requesting approval to attend the New York State Assessors Annual

Meeting from Sept. 26<sup>th</sup> – 29<sup>th</sup>, 2010; funds are available in the assessor's current budget for the training portion, travel however will be reimbursed by the State of New York.

FRANK E. KRAKOWSKI, CITY ASSESSOR

Moved by Jaworski, seconded by Schiavi permission is granted.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Amend Steel Winds II Project:**

20. To: City Council

For your review and approval attached is the proposal for the possible decommissioning of the Steel Winds II Wind Project amended by the enclosed letter increasing the security from \$99,153.00 to \$160,000.00 and authorizing the mayor to accept the proposal and to sign same.

ARC. J. PETRICCA, CITY ATTORNEY

Moved by Jaworski, seconded by Szymanski to receive & file, act on resolution

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Revised Agreement Steel Winds II Project:**

21. To: City Council

Attached is the revised PILOT agreement for Steel Winds II Wind Project for your review and approval. Please disregard the prior submission.

ARCH J. PETRICCA, CITY ATTORNEY

Moved by Jaworski, seconded by Schiavi to receive & file, act on resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Intent to Retire Credits-Ken Brown:**

22. To: City Council

Based on case law holding the decision of the State Comptroller on local decisions regarding pensions and pension rights of New York State Public Employees Retirement System the decision of the New York State Comptroller regarding the credits of Kenneth Brown at more than 20 years prevails. Therefore, the attached resolution is requested to resolve the conflict.

ARC. J. PETRICCA, CITY ATTORNEY

Moved by Jaworski, seconded by Szymanski to receive & file, act on resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Edna Place Block Party:**

23. To: City Council

The residents of Edna Place between Center and Franklin Streets, request permission to hold a block party on Saturday, August 21<sup>st</sup>. We would like to have the street closed between 1:00 p.m. to 9:00 p.m. Can the City provide barricades and notify the police and fire departments? Thank you for your time and consideration.

DEAN J. OTOKA

Moved by Szymanski, seconded by Jaworski that the request be approved.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Martin Rd. Subdivision Easement – Resolution 22, 2010:**

RESOLVED, that the attached easement for Martin Road Subdivision is approved and the Mayor authorized to sign same.

RESOLVED, that this resolution shall take effective immediately.

Moved by Jaworski, seconded by Schiavi to adopt the resolution as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Martin Rd. Subdivision Covenants-Resolution 23, 2010:**

WHEREAS, the City of Lackawanna desires to restrict the use and enjoyment of all lots in the Martin Road Subdivision and does hereby declare that all lots in said subdivision shall be subject to the following covenants, which the mayor's signing and filing thereof is hereby approved as follows. (On file in Clerk's Office)

Moved by Schiavi, seconded by Jaworski to adopt the resolution as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Steel Winds II Decommissioning Costs-Resolution 24, 2010:**

WHEREAS, that the attached decommissioning agreement providing for a letter of credit for \$160,000.00 to the City to underwrite possible future decommissioning of the Steel Winds II Wind Project be and the same is hereby approved. (On file in Clerk's Office)

Moved by Jaworski, seconded by Schiavi to adopt the resolution as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**RPTL.487-Tax Agreement-Erie Wind-Resolution 25, 2010:**

RESOLVED, that the attached contract for RPTL.487 Payment in Lieu of Tax Agreement with Erie Wind LLC and the City of Lackawanna in hereby approved and the Mayor authorized to sign same.

Moved by Jaworski, seconded by Szymanski to adopt the resolution as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Kenneth Brown Retirement Retirement-Resolution 26, 2010:**

RESOLVED, that the New York State Comptroller decision in approving the retirement application of Kenneth Brown certifying more than 20 years continuous service credit with the City of Lackawanna, excluding the 3 year incentive credit allowed by the State of New York, is controlling on the City of Lackawanna and he is therefore entitled to his City retirement incentive and all his retirement benefits as a 20 year employee as provided in it's local union's Collective Bargaining Agreement with the City.

Moved by Jaworski, seconded by Schiavi to adopt the resolution as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Ordinances**

**Stray Cats Ordinance:**

Moved by Schiavi, seconded by Jaworski to adopt the Ordinance regulating and restricting activities of stray cats within the city, as written.

(On file in Clerk's Office)

Yeas: Noman, Kulczyk, Schiavi, Jaworski

Nays: Szymanski

CARRIED 4-1

**Sale of 142 Center St.**

AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY PURSUANT TO MUNICIPAL CODE SECTION 107.

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the City Council hereby approves of the transfer of property known as SBL 142.45-4-37.

SECTION 2. That the transfer is made for the sum of \$10,100.00 cash to the City of Lackawanna. The deed shall contain a reverter clause providing for a reversion to the City unless the deed is recorded in the Erie County Clerk's Office within 30 days of its delivery.

SECTION 3. That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna.

SECTION 4. That the Law Department shall prepare documents to be executed for the transfer of the property.

Moved by Jaworski, seconded by Schiavi, to adopt the ordinance as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Sale of 73 Steelawanna:**

AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY PURSUANT TO MUNICIPAL CODE SECTION 107.

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the City Council hereby approved of the transfer of property known as SBL 141.43-2-26-1.

SECTION 2. That the transfer is made for the sum of \$1,000.00 cash to the City of Lackawanna. The deed shall contain a reverter clause providing for a reversion to the City unless the deed is recorded in the Erie County Clerk's Office within 30 days of its delivery.

SECTION 3. That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna.

SECTION 4. That the Law Department shall prepare documents to be executed for the transfer of the property.

Moved by Jaworski, seconded by Noman to adopt the ordinance as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Sale of 233 Ridge Road:**

AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY PURSUANT TO MUNICIPAL CODE SECTION 107.

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the City Council hereby approved the transfer of property know as SBL 141.43-7-4.

SECTION 2. That the transfer is made for the sum of \$500.00 cash to the City of Lackawanna. The deed shall contain a reverter clause providing for a reversion to the City unless the deed is recorded in the Erie County Clerk's Office within 30 days of its delivery.

SECTIION 3. That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna.

SECTION 4. That the Law Department shall prepare documents to be executed for the transfer of the property.

Moved by Jaworski, seconded by Schiavi to adopt the ordinance as written,

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Budget Amendment-Crossing Guards:**

AN ORDINANCE AMENDING THE 2010-2011 BUDGET ADOPTED JUNE 1, 2010.

BE IT ENASCTED, by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2010-2011 Budget Ordinance adopted June 1, 2010 is hereby amended to provide the funding for Crossing Guards.

SECTION 2. That the 20910-2011 Budget Ordinance is hereby amended to add \$69,120 to budget code A3120.106 Police Department.

SECTION 3. That the 2010=2011 Budget Ordinance is hereby amended to appropriate \$69,120 of the City's Fund Balance.

Moved by Jaworski, seconded by Szymanski to adopt the ordinance amending the budget, reinstating crossing guards in the City of Lackawanna.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Adjournment:**

Moved by Szymanski, seconded by Jaworski that the meeting be adjourned in memory of Carol Daley and Jerry Mendrysa.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**JACQUELINE CAFERRO, CITY CLERK**



**Special Council Meeting  
Friday, August 20, 2010  
9:30 a.m.  
Council Chambers**

Special session of the Lackawanna City Council met in the Council Chambers, Council President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Jaworski.

Meeting called to order/Pledge of Allegiance  
NB: Meeting being recorded.

Roll Call: Present: Noman, Kulczyk, Schiavi, Jaworski

Local Law # \_\_\_\_, 2010

Local Law to adopt the 2010 Retirement Incentive Program  
Part B – Chapter 105, Laws of 2010

A Local Law electing a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the City of Lackawanna.

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

1. The City of Lackawanna hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 105, Laws of 2010.
2. The commencement date of the retirement incentive program shall be 8/2/2010.
3. The open period, during which eligible employees may retire and receive the additional retirement benefits, shall be October 1, 2010 to December 29, 2010.
4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the City of Lackawanna for each employee who receives that retirement benefit payable under this local law.
5. This act shall take effect 8/2/2010.

Moved by Jaworski, seconded by Schiavi to adopt local law as written.

Yeas: Noman, Kulczyk, Schiavi, Jaworski. Carried 4-0

Moved by Jaworski, seconded by Schiavi, meeting is adjourned.

Yeas: Noman, Kulczyk, Schiavi, Jaworski. Carried 4-0

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CHUCK JAWORSKI, COUNCIL PRESIDENT

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JACQUELINE CAFERRO CITY CLERK

Special Council Meeting  
Council Chambers  
Thursday, August 26, 2010  
5:00 p.m.

Special session of the Lackawanna City Council met in the Council Chambers, Council President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pro-Tempore Geoffrey Szymanski.

Meeting called to order/Pledge of Allegiance

NB: Meeting being recorded.

Roll Call: Present: Noman, Szymanski, Kulczyk, Schiavi

Excused: Jaworski

Dept. Heads: Present: Law, Public Safety, Development

Excused: Public Works, Recreation

**LA Dynasty Football Agreement**

An agreement between the City of Lackawanna and the LA Dynasty Football to use Veterans Stadium on August 28, 2010 and September 18, 2010. A certificate of insurance is in place in the amount of \$2,000,000 to protect the city against any and all personal injury claims. LA Dynasty will be responsible for cleaning the grounds and playing fields at its own expense and restore any damage done to the playing fields during the use of the stadium.

Moved by Szymanski, seconded by Kulczyk to approve the agreement, allowing LA Dynasty use of Veterans Stadium for specified dates, schedule does not interfere with dates which the school system will use the stadium.

Yeas: Noman, Szymanski, Kulczyk, Schiavi.

Carried 4-0

**Independent Health Insurance Agreement**

An agreement with Independent Health Insurance for employee coverage. Agreement reflects a .4% increase in premiums.

Moved by Szymanski, seconded by Kulczyk to authorize mayor to enter into an agreement with Independent Health for insurance coverage for the city.

Yeas: Noman, Szymanski, Kulczyk, Schiavi. Carried 4-0

**Ordinance- Budget Amendment – Reinstate Employees**

An ordinance amending the 2010-2011 budget ordinance adopted June 1, 2010

Be it enacted by the City Council of the City of Lackawanna, New York as follows:

Section 1. That the 2010-2011 budget is amended to reinstate the laid off employees and provide funding for one additional laborer and season laborers in the department of public works.

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Section 2. That the budget is amended to add \$25,000 to code A1620.0101, \$5,000 to code A3120.0101, \$7,000 to code A3410.0101, \$23,000 to code A3620.0101, \$37,000 to code A5110.0101 and \$6,000 to new code A5110.0104

Section 3. That the 2010-2011 budget is amended to appropriate \$38,000 of the city's fund balance and transfer \$40,000 from Code A9000.9050, unemployment insurance and \$25,000 from A3120.0101, 1 (one) police captain position removed upon retirement.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Moved by Szymanski, seconded Schiavi, to amend ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi. Carried 4-0

Moved by Szymanski, seconded by Schiavi to adopt ordinance as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi. Carried 4-0

Moved by Szymanski, seconded by Kulczyk to adjourn meeting.

Yeas: Noman, Szymanski, Kulczyk, Schiavi. Carried 4-0

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GEOFFREY SZYMANSKI, COUNCIL PRESIDENT PRO-TEMPORE

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JACQUELINE A. CAFERRO, CITY CLERK

**COUNCIL MEETING**  
**TUESDAY, SEPTEMBER 7, 2010**  
**COUNCIL CHAMBERS**  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)

Regular Session of the Lackawanna City Council met in the Council Chambers, Council President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Jaworski.

**Meeting called to order/Pledge of Allegiance**  
**N.B. Meeting being recorded**

**Roll Call: Present:** Noman, Szymanski, Kulczyk, Schiavi, Jaworski  
**Dept Heads: Present:** Law, Public Safety, Development, Public Works, Recreation

**Hearings from Citizens**

**Approval of Minutes:**

Moved by Schiavi, seconded by Kulczyk to adopt the minutes of the regular meeting of August 16<sup>th</sup> and the Special Meeting of August 20<sup>th</sup>, 2010 as written.

Yeas: Noman Szymanski, Kulczyk, Schiavi, CARRIED 4-1  
Nays: Jaworski

**Departmental Reports:**

1. City Clerk – Monthly Report for August, 2010.
2. City Treas. – Receipts deposited into General Fund.
3. City Comp. – AP Check Listing #55, July 30, 2010.
4. City Comp. – AP Check Listing #1, August 4, 2010.
5. City Comp. – AP Check Listing #2, August 17, 2010.
6. City Comp. – AP Check Listing #3, August 27, 2010.

Moved by Schiavi, seconded by Jaworski to receive and file departmental reports one through six.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Communications from the Council:**

**Dedicating Ridge Road Bridge:**

7. To: City Council

I am asking your support on the attached resolution for the dedication of the Ridge Road Bridge to be called the Centennial Bridge. Also a plaque similar to the one at the Senior Center (photo attached) at each side of the bridge. Thank you for your support in this matter.

FRANCIS J. KULCZYK Third Ward Councilman

Moved by Jaworski, seconded by Szymanski to receive and file, act on resolution.  
Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Communications from Department/Division Heads:**

**County Snow & Ice Removal:**

8, To: City Council

Please put the attached resolution approving the agreement with the county pertaining to ice and snow removal from streets within the city, on the agenda for Council approval. Thank you.

ARC. J. PETRICA, City Attorney

Moved by Jaworski, seconded by Kulczyk to grant request, act on resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Dog Licensing:**

9. To: City Council

On June 22, 2010, Governor Paterson signed a measure into law as part of the 2010-2011 State budget that moves the remainder of the dog licensing function of the Agriculture and Markets Law to the level of local government. Beginning January 1, 2011, the City of Lackawanna is totally responsible for printing and issuing dog licenses, providing the dog metal tags and collecting and controlling all data associated with the licensing. I have attended a meeting with the local clerks and Mr. John Graves of Niagara Business Solutions. The City Clerk's Office and the surrounding town and village clerks will order all supplies as a group, therein saving monies ordering in bulk quantities.

Previously, spayed dogs were \$1-.00 per license with city receiving \$7.50 and state \$2.50; unspayed dogs were \$18.00 per license, with city receiving \$7.50 and state \$10.50. With the new law in place, the states only share would be \$1.00 per unspayed dog and \$3.00 per unsprayed dog, leaving the city's share to be \$9.00 per spayed and \$15.00 per unspayed dog licensed. Our current dog license program must be converted to the Windows version to be able to accommodate this new law. The approximate cost of this conversion would be \$3,600 plus any Training costs. We really have no choice in this, as it is mandated by the State of New York.

I request that the City Council transfer \$4,000 from the General Fund to Acct., A1410.468, software maintenance of the City Clerk's annual budget.

Attached please find, estimated supplied by Niagara Business Solutions.

JACQUELINE CAFERRO, City Clerk

Moved by Jaworski, seconded by Schiavi to receive and file, act on ordinance.

Yeas: Noman, Szymanski, Schiavi, Kulczyk, Jaworski CARRIED 5-0

**Demolish 21 Cooke Street:**

10. To: City Council

I am asking your Honorable Body to allow the City Clerk to advertise for the demolition of 21 Cooke Street.

RALPH D. MIRANDA, Director of Development

Moved by Jaworski, seconded by Noman to approve request, City Clerk to advertise for bids.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**2009-2010 Budget Transfers:**

11. To: City Council

Please be advised, pursuant to Chapter 12.12, Subdivision ©2 of the City Charter, after a review of the City Council, the Mayor's Office, the Law Dept., the Office of the City Clerk, the Dept. of Administration and Finance, the Dept. of Development, the Dept. of Public Works, the Dept. of Recreation and the Dept. of Public Safety, the attached lists of transfers were made to balance most of the 2009-2010 accounts.

ROBERT C. MARCINIAK, City Comptroller

NORMAN L. POLANSKI, Mayor

Moved by Jaworski, seconded by Schiavi to receive and file.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Emergency Repairs DPW Building:**

12. To: City Council

The City Comptroller has informed me that the insurance check received by the city for emergency repairs at the DPW building had been put into the fund balance. I am requesting that a special line item be created for the emergency repairs with the appropriate monies. This should include all insurance monies and deductibles. By creating his line item I will not have to spend the money that the council appropriated for the repairs and rehabilitation of the DPW which we hope to start before the end of September. I am also informing you that the claim is not closed as the city has not recovered all related cost of the incident. Thank you for your attention to this matter.

THOMAS N. LOVE, Commissioner of Public Works

Moved by Szymanski, seconded by Jaworski to approve request, City Comptroller to create new line item for emergency repairs to the DPW Building.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Motyka, Pluta Retirement Benefits:**

13. To: City Council

We, CSEA Local 815 Unit 6755-02, ask this Honorable Body to take into consideration past actions and resolutions passed by the City Council. Members of our bargaining unit will be retiring from service with the city and should be entitled to all rights and benefits as set forth in our collective bargaining agreement. Kenneth Motyka has served in various capacities for the city over the past thirty-six years having started employment in May 1974. Arthur Pluta has been certified by the Office of the New York State Comptroller to have over thirty years of continuous service credit with the City of Lackawanna, excluding the three year incentive allowed by the State of New York. Therefore, we request that this Council adopt a resolution certifying that these employees shall be entitled to all retirement benefits as a thirty year employee as outlined in our current collective bargaining agreement.

KENNETH S. MOTYKA

ARTHUR T. PLUTA

Moved by Jaworski, seconded by Schiavi to grant the request, City Attorney to prepare the necessary resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Szafranski Health Insurance:**

14. To: City Council

I, David Szafranski am a sanitation laborer in the Lackawanna Department of Public Works. According to the NYS and Local Retirement System, I presently have twenty years and five months service, all with the City of Lackawanna. I am asking your Honorable Body to allow me to retire with my health insurance coverage and would hope I will be given the same consideration that was granted to another employee in the past. Any help with my situation would be greatly appreciated. Thank you for your immediate response.

DAVID SZAFRANSKI

Moved by Jaworski, seconded by Schiavi to approve the request, City Attorney to prepare the necessary resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Use of Stadium Little Loop:**

15. To: City Council

On behalf of Lackawanna Little Loop I am inquiring on the availability of Veterans Stadium. We are interested in playing Pony games Monday evenings beginning at 6:00pm. These Pony games are geared specifically to our first and second year Mustangs to give them the opportunity to play and develop their fundamental football skills. These games will be only played if the weather permits. We would like to start on Monday, September 13, 2010 and go until our season ends, Monday, October 23, 2010.

STEVEN HORVATH, President Little Loop

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Moved by Szymanski, seconded by Jaworski to approve the request.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**RESOLUTIONS:**

**County Snow Removal:** Resolution No. 27, 2010

**RESOLVED**, that the attached 2010-2013 Snow Removal and Ice Control Agreement between County of Erie and the City of Lackawanna is hereby authorized for the period of September 1, 2010 through August 31, 2013 and the Mayor's approval thereof is hereby ratified and approved and the Mayor's signature to the agreement authorized

Moved by Jaworski, seconded by Schiavi to adopt the resolution as written,

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Renaming Ridge Road Bridge:** Resolution No. 28, 2010

**WHEREAS**, the City of Lackawanna has authorized the construction of a new bridge on Ridge Road in the City of Lackawanna.

**WHEREAS**, On completion of this new bridge, the bridge shall be named the Centennial Bridge.

**NOW, THEREFORE BE IT RESOLVED**, that this resolution take effect immediately upon completion of the bridge.

Moved by Jaworski, seconded by Noman, Szymanski, Kulczyk and Schiavi to adopt the resolution changing the name of the Ridge Road to Centennial Bridge. Councilman Noman suggests American Flags to be put on the bridge.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Ordinances:**

**Transfer Funds to City Clerk Acct.:**

An Ordinance amending the 2010-2011 Budget Ordinance adopted June 1, 2010.

Be it enacted by the City Council of the City of Lackawanna, NY as follows:

**Section 1.** That the 2010-2011 budget ordinance adopted June 1, 2010 is hereby amended to provide funding for the updating of the Clerk's Accounting system.

**Section 2.** That the 2010-2011 budget ordinance is hereby amended to add \$4,000 to account A1410.468, Software Maintenance of the City Clerk's annual budget.

**Section 3.** That the 2010-2011 budget ordinance is hereby amended to appropriate \$4,000 of the city's fund balance, allowing the city to take over dog licensing from New York State.

Moved by Jaworski, seconded by Noman to adopt ordinance transferring \$4000 to update Clerk's accounting system to accommodate taking over dog licensing from the state.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**ADJOURNMENT:**

Moved by Schiavi, seconded by Szymanski that the meeting be adjourned.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**JACQUILINE CAFERRO, CITY CLERK**



**COUNCIL MEETING**  
**MONDAY, SEPTEMBER 20, 2010**  
**COUNCIL CHAMBERS**  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)

Regular Session of the Lackawanna City Council met in the Council Chambers, Council President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by Council Jaworski.

**Meeting called to order/Pledge of Allegiance**

**N.B. Meeting being recorded**

**Roll Call: Present:** Noman Szymanski, Kulczyk, Schiavi, Jaworski

**Dept Heads: Present:** Law, Public Works, Development

**Excused: Public Safety, Recreation**

**Hearings from Citizens:**

**Approval of Minutes** of Special Meeting held August 26 and Regular Meeting held September 7, 2010.

Moved by Schiavi, seconded by Szymanski to adopt the minutes of August 26 and September 7, 2010 as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi

CARRIED 4-1

Nays: Jaworski

**Departmental Reports:**

1. City Compt. – AP Check Listing #4, August 31, 2010.
2. City Compt. – AP Check Listing #5, September 9, 2010.

Moved by Jaworski, seconded by Schiavi to receive & file departmental reports one & two.

Yeas: Noman Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**Communications from the Council:**

**Executive Session:**

3. To: City Council

This letter is to advise you that at our September 20<sup>th</sup> meeting we will need to go into Executive Session to discuss a personnel matter.

CHUCK JAWORSKI, Council President

Council shall enter executive session at the end of the meeting.

**Sale of Swan Street:**

4. To City Council

We would like your support in the sale of Swan Street (Paper Street SBL #141.67-4-6.1) to Belinda Cruzado. Thank you for your consideration in this matter.

CHUCK JAWORSKI, Council President  
ABDUL NOMAN, First Ward Councilman

Moved by Jaworski, seconded by Szymanski to table for study, refer to city attorney for legal opinion on the sale of the street.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Establish Tax Exemption Cold War Vets:**

5. To: City Council

I am looking for support to pass a local law for Cold War Veterans. Please review the law as I am seeking support.

GEOFFREY M. SZYMANSKI, 2<sup>nd</sup> Ward Councilman

Moved by Szymanski, seconded by Kulczyk to table for study, refer to the law department to prepare amended local law to include a set limit of exemption.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Pluta Retirement:**

6. To: City Council

Please review the attached resolution for Arthur Pluta's retirement. Your support for this resolution is appreciated.

CHUCK JAWORSKI, Council President

Moved by Jaworski, seconded by Schiavi to receive and file, act on resolution.

Yeas: Noman, Kulczyk, Schiavi, Jaworski      CARRIED 4-1  
Nays: Szymanski

**Communications from Department Heads:**

**Receive & File Tabled Items, Past 90 Days:**

7. To: City Council

At the Regular Council Meeting of May 20, 1991, the City Council adopted a policy whereas all tabled items not acted upon after ninety (90) days are automatically received and filed by the City Clerk. The automatic receiving and filing does not prevent the resubmission of a proposal at a later date. I request the Council make a motion adhering to this policy and receive and file the following items:

<b><u>Meeting of:</u></b>	<b><u>Item #</u></b>	<b><u>From:</u></b>	<b><u>Regarding:</u></b>
2/01/10	#8	Assessor	Sale of 31 North Dr to Frank Lelito
2/16/10	#6	Mayor	Advertise for consultant-converting Lincoln School to a community center
2/16/10	#8	Council Pres.	Local Law-Cold War Veterans
3/15/10	Resol.	City Atty.	Disability Management Services
5/03/10	#2	Mayor	\$20,000 support for Chamber of Commerce

JACQUELINE CAFERRO, City Clerk

Moved by Jaworski, seconded by Szymanski to receive and file old tabled items.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Award bid for Repair of Dept. of Public Works Bldg:**

8. To: City Council

I am requesting your Honorable Body award the contract for the repair and rehabilitation of the Department of Public Works Building to the lowest responsible bidder. Thank you in advance for your action on this matter.  
THOMAS N. LOVE, Commissioner of Public Works

Moved by Jaworski, seconded by Szymanski to award the contract to the lowest bidder, Kirst Construction for the bid price of \$604,675.00.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Offer for Property at 31 South St:**

9. To: City Council

My office has received an offer for 31 South St (SBL #141.68-3.1) from the Lackawanna Islamic Mosque of 154 Wilkesbarre St., in the amount of \$5,000. The parcel is approximately 6.5 (A) of which half is unusable. The current assessed value for the 2010 Tax Roll is \$20,000. The purchaser would be converting the land for use as a Cemetery. It is my recommendation that the City council sell the above property to Lackawanna Islamic Mosque for \$5,000. If approved by Council buyer shall be liable for all fees and cost of survey.  
FRED E. KRAKOWSKI, City Assessor

Moved by Jaworski, seconded by Szymanski to table for study, refer to city attorney and assessor for opinion.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Sale of 30 Victory to M. Adams:**

10. To: City Council

My office has received an offer for the above mentioned parcel from Michael J. Adams of 26 Victory Ave, in the amount of \$1,500. The lot size is 36 x 143 with an assessed value of \$5,500. The purchaser would be adding a garage to the parcel and fencing. It is my recommendation that the City Council sell the above property to Michael J. Adams for \$1,500.

FRANK E. KRAKOWSKI, City Assessor

Moved by Jaworski, seconded by Szymanski to approve the request, city attorney to prepare the necessary ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Sale of 173 Holbrook to E. Alvarez:**

11. To: City Council

My office has received an offer for the above mentioned property from Ernesto Alvarez of 179 Lehigh Ave., in the amount of \$7,000. The parcel is approximately 90 x 101 and contains a three family dwelling, the purchaser would rehabilitate the property. The current assessed value for the 2010 Tax Roll is \$38,000. It is my recommendation that the City Council receive and file this offer until a condition report is received from the Engineering Department. If approved by the Council buyer shall be liable for all fees and cost of survey.

FRANK E. KRAKOWSKI, City Assessor

Moved by Jaworski, seconded by Noman to approve the request. City Attorney to prepare the necessary ordinance for the sale with a reverter clause stipulating that the property must be brought up to code within eighteen (18) months or property reverts back to the city.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Resolutions:**

**Arthur Pluta Retirement :**

**Resolution #29, 2010**

**RESOLVED**, that the New York State Comptroller decision in approving the retirement application of Arthur Pluta certifying more than 30 years continuous service credit with the City of Lackawanna, excluding the three (3) year incentive credit allowed by the State of New York, is controlling on the City of Lackawanna and he is therefore entitled to all retirement benefits as a thirty year employee of the City of Lackawanna as provided in his local union's Collective Bargaining Agreement with the City.

Moved by Jaworski, seconded by Schiavi to adopt the resolution as written.

Yeas: Noman, Kulczyk, Schiavi, Jaworski

CARRIED 4-1

Nays: Szymanski

**Executive Session:**

Moved by Jaworski, seconded by Schiavi the Council enter executive session at 7:21 pm.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**Meeting Reconvened:**

Moved by Jaworski, seconded by Szymanski the meeting is reconvened at 7:45 pm

Roll Call: Present: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**Adjournment:**

Moved by Szymanski, seconded by Kulczyk that the meeting be adjourned

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**JACQUELINE A. CAFERRO, CITY CLERK**





**COUNCIL MEETING**  
**MONDAY, OCTOBER 4, 2010**  
**COUNCIL CHAMBERS**  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)

Regular Session of the Lackawanna City Council met in the Council Chambers, Council President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Jaworski.

**Meeting called to order/Pledge of Allegiance**

**N.B. Meeting being recorded**

**Hearings from Citizens**

**Approval of Minutes** of regular meeting of September 20, 2010.

Moved by Schiavi, seconded by Szymanski to adopt the minutes as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Departmental Reports:**

1. City Compt. – AP Check Listing #6, September 17, 2010.
2. City Compt. – AP Check Listing #7, September 23, 2010.

Moved by Jaworski, seconded by Szymanski to receive and file.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Communications from the Council:**

**Sale 31 South Street:**

3. To: City Council

I am writing this letter asking for your approval of the sale of 31 South Street (SBL #141.68-1-3.1 Lot size 6.5) to the Lackawanna Islamic Mosque, 154 Wilkesbarre Street, Lackawanna, New York for the amount of \$5,000. Thank you in advance for your cooperation in this matter.

ABDUL NOMAN, First Ward Councilman

Moved by Szmanski, seconded by Noman to table for work session. Notification to be placed on the Website and printed in Front Page for Public Information.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Communications from Department/Division Heads:**

**2009-2010 Budget Transfers:**

4. To: City Council

Attached please find a list of transfers for your approval. These transfers will balance all of the accounts that were in the red at July 31, 2010. If you have any questions feel free to give me a call.

ROBERT C. MARCINIAK, City Comptroller

Moved by Jaworski, seconded by Szymanski to approve the transfers.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**LMHA Blue Collar Unit Agreement Resolution:**

5. To: City Council

Please put the attached resolution on the agenda for Council approval.

Thank you.

ARC J. PETRICCA, City Attorney

Moved by Jaworski, seconded by Szymanski to receive and file, act on resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Ordinance Amending City Code 230-51(a) Cemeteries:**

6. To: City Council

Please put the attached ordinance on the agenda for Council approval.

Thank you.

ARCH. J. PETRICCA, City Attorney

Moved by Jaworski, seconded by Noman to table for study

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Sale 173 Holbrook Street Ordinance:**

7. To: City Council

Please put the attached ordinance on the agenda for Council approval.

Thank you.

ARC. J. PETRICCA, City Attorney

Moved by Jaworski, seconded by Szymanski to receive and file act on ordinance

Yeas: Noman Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Sale of 31 South Street Ordinance:**

8. To: City Council

Please put the attached ordinance for the sale of 31 South St. to the Islamic Mosque Thank you.

ARC. J. PETRICCA, City Attorney

Moved by Jaworski, second by Schiavi to table for study.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Floodplain Notice: On File in Clerk's Office**

9. To: City Council

For your information, attached is a notice regarding the floodplain in the City of Lackawanna.

RALPH D. MIRANDA, Director of Development

Moved by Jaworski, seconded by Szymanski to receive and file, copies of Floodplain within the City can be obtained at the City Clerk's Office and the Lackawanna Library.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Miscellaneous:**

**Buffalo Gladiator Professional Football:**

10. To: City Council

The Buffalo Gladiator Minor Professional Football Team would like to request the use of Veterans Stadium on the date of October 9<sup>th</sup>, 2010. The game on that date will be for the Northeastern Football Alliance Championship. We will need the use of the field for two and one-half hours and hope for a kickoff time at 6:00 pm. Our team has a \$2,000,000 Insurance policy and can add the City of Lackawanna, etc. on as an additional insured. I have enclosed a packet of information pertaining to our team including various letters of recommendation from area leaders and charity groups that we have supported over the years. I would be more than happy to answer any questions or concerns you may have about our team and organization. Please feel free to contact me at 871-1616. Thank you in advance for your consideration.

JOHN AUGUSTINE, GM Buffalo Gladiators

Moved by Jaworski, seconded by Schiavi to receive and file.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**BETHLEHEM PARK – HALLOWEEN PARADE:**

11. To: City Council

We residents of Bethlehem Park, Lackawanna, NY, request permission for use of the Bocce Court, end of Madison, for our 20<sup>th</sup> annual Bethlehem Park Halloween Parade on Saturday, October 30, 2010 at 3:30 pm., at the Bocce Court. Any public safety assistance you can provide for the children is greatly appreciated. Thank you. Please feel free to join in this fun day.

ANDREA HAXTON

Moved by Szymanski, seconded by Kulczyk to approve the request, Public Safety to give assistance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0



SECTION 4. That the Law Department shall prepare documents to be executed for the transfer of the property.

Moved by Jaworski, seconded by Szymanski to **table** the ordinance for study.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Sale of 173 Holbrook to E. Alvarez:**

An Ordinance Authorizing the Sale/Transfer of Property Pursuant to Municipal Code Section 107.

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the City Council hereby approves of the transfer of property known as SBL 141.60-4-3.1 by Ernesto Alvarez as assigned to Miguel A. Cheverez and Jeanet DeHoyos as purchasers.

SECTION 2. That the transfer is made for the sum of \$7,000.00 cash to the City of Lackawanna. The deed shall contain a revertre clause providing for a reversion to the City unless the deed is recorded in the Erie County Clerk's Office with 30 days of its delivery. The property must be brought up to code with eighteen (18) months for the date of purchase. If purchaser fails to comply property will automatically revert back to the City.

SECTION 3. That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna.

SECTION 4. The Law Department shall prepare documents to be executed for the transfer of the property.

Moved by Jaworski, seconded by Szymanski to adopt the Ordinance as written approving the sale of 173 Holbrook to Ernesto Alvarez for the sum of \$7,000.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Adjournment:**

Moved by Szymanski, seconded by Kulczyk the meeting is adjourned.

Yeas: Noman Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**JACQUELINE A. CAFERRO**



**COUNCIL MEETING**  
**MONDAY, OCTOBER 18, 2010**  
**COUNCIL CHAMBERS**  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)

Regular Session of the Lackawanna City Council met in the Council Chambers, Council President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Jaworski.

**Meeting called to Order/Pledge of Allegiance**  
**N.B. Meeting being recorded.**

**Roll Call:** Present: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**Dept Heads:** Present: Law, Public Works, Public Safety, Recreation, Development

**Hearings from Citizens:**

**Approval of Minutes** of regular meeting held October 4, 2010

Moved by Schiavi, seconded by Kulczyk to adopt the minutes as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Departmental Reports:**

City Treasurer – Receipts deposited into General Fund-Sept., 2010.

City Clerk – Monthly Report – September, 2010.

Moved by Schiavi, seconded by Kulczyk to approve Departmental Reports.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Communications from the Council:**

**Cold War Veterans Exemption:**

1. To: City Council

I am asking the Councilmember's to support me in the Veteran's exemption for cold war veterans. Thank you in advance.

CHUCK JAWORSKI, COUNCIL PRESIDENT

2. I would request the Council approval of the Local Law regarding providing for property tax exemptions for Cold War Veterans. This local law provides for exemptions to persons who served on active duty in the United States Armed Forces during the time period of September 2, 1945 to December 26, 1991.

GEOFFREY M. SZYMANSKI, SECOND WARD COUNCILMAN

Moved by Jaworski, seconded by Szymanski to receive & file act on Local Law.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Upgrade Fire Stations Bond:**

3. To: City Council

I am asking the Councilmember's support in requesting the Comptroller to apply for a nine hundred and seventy-five thousand dollar (\$975,000) bond to upgrade our three fire stations. Attached is an estimate to refurbish these stations. Thank you in advance.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Jaworski, seconded by Kulczyk to authorize the Mayor to direct TVGA Engineering to conduct a total assessment on all three Fire Houses as to the condition inside and outside as related to code, asbestos and structural integrity. Commissioner of Public Works to obtain cost estimate for emergency temporary shoring up of Fire House #3, located on South Park Avenue.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Parks & Recreation Spaces Smoke Free Areas:**

4. To: City Council

The attached resolution is for the City of Lackawanna to adopt the policy of designating all parks and recreation spaces under its jurisdiction to be 100% smoke free. Your approval of this resolution is a positive step for the youth of our city.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Kulczyk, seconded by Schiavi to receive & file act on resolution

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Jackson St. Parking Ordinances:**

5. To: City Council

I am requesting your support for the two (2) attached ordinances amending the parking on Jackson Street. Thank you for your consideration.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Jaworski, seconded by Noman to receive & file, act on ordinances.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Stop Sign @ Spruce & Jackson St.:**

6. To: City Council

Public Safety Director, Dick Startek has presented the attached ordinance for our approval of a stop sign being erected on Spruce and Jackson Streets. Thank you for your consideration.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Jaworski, seconded by Schiavi to receive & file, act on ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Communications from Department/Division Heads:**

**Public Safety Contract Resolution:**

7.      To:      City Council

         Please put the attached Public Safety Contract Resolution on the agenda for Council approval. Thank you.

ARC. J. PETRICCA, CITY ATTORNEY

Moved by Szymanski, seconded by Noman to receive & file, act on resolution.

Yeas: Noman, Szymanski, Schiavi      CARRIED 3-2

Nays: Jaworski, Kulczyk

**Demolition of 21 Cooke Street:**

8.      To:      City Council

         I recommend you award the contract for demolition of 21 Cooke Street to Hannah Demolition for the sum of \$8,400.00. Hannah Demolition was the only bidder.

RALPH D. MIRANDA, DIRECTOR OF DEVELOPMENT

Moved by Jaworski, seconded by Schiavi to receive & file, act on ordinance

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Structural Condition of Fire House #3:**

9.      To:      City Council

         On January 20<sup>th</sup>, 2010 Code Enforcement Officer, Joseph Geyer, sent me a memorandum on the structural condition of Fire House #3. The Memorandum identified that the structural condition of this building was in violation of the City of Lackawanna Municipal Code and further stated “the City must vacate, repair or demolish the structure.” The Memorandum further went on to say “please address this matter immediately and provide me with your intentions.”

         In response to the memorandum from Mr. Geyer, Mayor Norman L. Polanski, Jr. addressed the Council in a letter dated February 11, 2010 where he summarized in detail the issues and the liabilities to the City of Lackawanna relative to the structural condition of this building. He further requested that the “City Council authorize his office to immediately proceed with the conceptual design for constructing a new Fire Station.....and demolishing the existing structure.”

Both the Memorandum from Mr. Geyer and the letter from the Mayor to the City Council have been attached to this correspondence to refresh your recollection of this issue. It also must be noted that since Mr. Geyer has put the City on notice, that the structural condition of the building continues to worsen.

At this point in time since the Council has failed to provide this office or the Mayor's office with any direction relative to this issue. I will have no choice but to vacate and close the building within thirty days of the date of this letter. As you are aware, part of my responsibilities as Commissioner of Public Works is to oversee Buildings & Grounds within the City of Lackawanna. By commencing this action, I am relieving the City of Lackawanna of any liability to the life threatening dangers that exist to Lackawanna Fire Department Personnel as well as the general public. Once vacated, the perimeter of the building will be fenced and the sidewalk in front of the building will be closed to pedestrian traffic until further notice. If you have any questions, please call me at your convenience.  
THOMAS N. LOVE, COMMISSIONER OF PUBLIC WORKS

Moved by Jaworski, seconded by Szymanski to receive & file.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Purchase Offer - 187 Holbrook St.-Ahmed Abdullah:**

10. To: City Council

My office has received an offer for 187 Holbrook St. from Ahmed Abdulla, 254 Ingham Ave., in the amount of \$2,000. The parcel is approximately 25 x 101 and contains a Two Family Home; the purchaser will rehabilitate the property. The current assessed value for the 2010 Tax Roll is \$28,000. It is my recommendation that the City Council Table this offer until a full condition report is received from the Engineering Department and Director of Development, also the purchaser offer is inadequate for a Two Family Home. If approved by Council buyer shall be liable for all fees and cost of survey.

FRANK E. KRAKOWSKI, CITY ASSESSOR

Moved by Szymanski, seconded by Noman to receive & file.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Resolutions:**

**Smoke Free Recreational Areas:**

**Resolution #31, 2010**

**WHEREAS**, smoking is responsible for the premature deaths of over 430,000 Americans each year from lung cancer, heart disease, respiratory illness and other diseases; and

**WHEREAS**, second hand smoke is responsible for over 50,000 deaths among nonsmokers each year; and

**WHEREAS**, tobacco kills more Americans each year than alcohol, cocaine, crack, heroin, homicide, suicide, accidents, fires, and AIDS combined; and **WHEREAS**, 80% of smokers started smoking before the age of 18, and the average initiation age is 12 years old; and **WHEREAS**, everyday an estimated 3,900 young people under the age of 18 try their first cigarette and one-third of these children will die prematurely from tobacco-related illnesses; and **WHEREAS**, to help role model non-smoking behavior to children and youth; to provide children, youth and their families with a safe, smoke-free environment; **THEREFORE, BE IT RESOLVED**, that the City of Lackawanna, State of New York is committed to providing a high quality of living to all residents.

**AND BE IT FURTHER RESOLVED**, that the City of Lackawanna believes:

1. There is no safe level of exposure to secondhand smoke. It can cause asthma, respiratory infections, cancer and cardiovascular disease. Children should be able to play and exercise in the City of Lackawanna Parks without being exposed to harmful effects of secondhand smoke.
2. Tobacco product use is the proximity of children, youth and adults engaging in or watching recreational activities is unhealthy and detrimental to the health of both the participants and observers.
3. Tobacco products, once consumed in public spaces, are often discarded on the ground, thus posing a risk of ingestion to children and causing a litter problem.

**AND BE IT FURTHER RESOLVED**, that all of the City of Lackawanna Parks, and recreation areas will adopt 100% smoke free policy.

**COMPLIANCE:**

The enforcement of this policy is through voluntary compliance. Appropriate City of Lackawanna park land, park facilities and open space will be signed indicating that the designated areas are smoke free.

The Director of Parks and Recreation will communicate with park employees and officials, community organizers, leaders and coaches to discuss the policy and distribute information.

City of Lackawanna parks staff will be promoting awareness of policy. This resolution shall take effect immediately.

Moved by Jaworski, seconded Szymanski to adopt the resolution as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Police Security –Municipal Housing Authority:      Resolution #32, 2010**

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the attached public safety contract with the Lackawanna Municipal Housing Authority is hereby approved and the Mayor authorized to enter into same. (Contract on file in Clerk’s Office)

**RESOLVED**, this resolution shall take effect immediately.

Moved by Szymanski, seconded by Schiavi to adopt the resolution as written.

Yeas: Noman, Szymanski, Schiavi

CARRIED 3-2

Nays: Kulczyk, Jaworski

**Traffic Ordinances:**

**Stop Sign-Spruce & Jackson Streets:**

**AN ORDINANCE AMENDING CHAPTER 215-TRAFFIC & VEHICLE**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

SECTION 1 Section 215.22, “Stop intersections” is hereby amended to include the following:

Spruce St. @ Jackson St. with stop sign erected as NW corner of Spruce. This Ordinance shall take effect immediately.

Moved by Jaworski, seconded by Schiavi to adopt Ordinance as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**Alternate Parking-Spruce Street:**

**AN ORDINANCE AMENDING CHAPTER 215-TRAFFIC & VEHICLES**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

SECTION 1 Section 215.43 “Parking, Standing and Stopping Restrictions are hereby amended to include the following:

**204 SPRUCE STREET**

**From April 15<sup>th</sup> to December 1<sup>st</sup>** – Parking on East side of Spruce St.

**From December 1<sup>st</sup> to April 15<sup>th</sup>** - On the East Side: No Parking from Sunday 4:00 pm to Wednesday 4:00 pm – On the West Side: No Parking from Wednesday 4:00 pm to Sunday 4:00 pm

This Ordinance shall take effect immediately.

Moved by Jaworski, seconded by Noman to adopt Ordinance as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**Alternate Parking – Jackson Street:**

**AN ORDINANCE AMENDING CHAPTER 215-TRAFFIC & VEHICLES**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

SECTION 1 Section 215.43 "Parking, Standing and Stopping Restrictions is hereby amended to include the following:

**99 JACKSON STREET:**

On the North Side: - No Parking from Sunday 4:00 pm to 4:00 pm Wednesday

On the South Side: - No Parking from Wednesday 4:00 pm to Sunday 4:00 pm

From April 15<sup>th</sup> to December 1<sup>st</sup> – Parking on North Side Only.

This Ordinance shall take effect immediately.

Moved by Moved by Jaworski, seconded by Schiavi to adopt the Ordinance as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Local Law:**

**Cold War Veterans Exemptions:**

A Local Law in relation to enacting an exemption from Real Property Taxes for Cold War Veterans as authorized by Section 458-b of the Real Property Law.

(On file in the City Clerk's Office)

Moved by Jaworski, seconded by Szymanski to amend the local law

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

Moved by Jaworski, seconded by Szymanski to adopt Local Law as amended.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Waive Rules:**

Moved by Jaworski, seconded by Szymanski to waive the rules.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Executive Session:**

Moved by Jaworski, seconded by Szymanski to enter into an Executive Session at 7:25 p.m. pertaining to a litigation case.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Meeting Reconvened at 7:40 p.m.**

Roll Call Present: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**Approve Settlement:**

Moved by Jaworski, seconded by Noman to approve Settlement of Litigation,  
John Doe vs. City of Lackawanna.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Adjournment:**

Moved by Kulczyk, seconded by Schiavi to adjourn the meeting.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**BARBARA ROSINSKI, DEPUTY CLERK**



**SPECIAL COUNCIL MEETING  
THURSDAY, OCTOBER 28, 2010  
COUNCIL CHAMBERS  
5:00 P.M.**

**Meeting called to order/Pledge of Allegiance**  
**NB: Meeting being recorded.**

**Roll Call: Present: Noman, Szymanski, Kulczyk, Schiavi, Jaworski**

**Projects with CDBG Funding**

1. To: City Council

I am requesting your honorable body pass the attached resolution allowing me as mayor of the city of Lackawanna to enter into an agreement with Erie County for CDBG Grant Funding.

Moved by Jaworski, seconded by Szymanski to receive and file, act on resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

**Resolution #33, 2010**

Whereas the City of Lackawanna is in need of funding for eligible programs under the Community Development Block Grant Program ;

Now, therefore be it resolved that the mayor is authorized and directed to file an application on the forms prescribed by the County of Erie for financial assistance in accordance with the provisions of the CDBG program and upon approval of said request to enter into and execute an agreement for the following projects:

1. Ridge Road paving.
2. Ridge Road curbs and sidewalks
3. Julian, Bell and Relich paving.

Now therefore be it further resolved that various areas located in the city meet HUDS Community Block Grant criteria designating it as a blighted area, eligible for CDBG funding.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.**

Moved by Jaworski, seconded by Szymanski to adopt resolution as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

Moved by Szymanski, seconded by Kulczyk, meeting is adjourned.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski. Carried 5 - 0

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**JACQUELINE A. CAFERRO, CITY CLERK**



**COUNCIL MEETING**  
**MONDAY, NOVEMBER 8, 2010**  
**COUNCIL CHAMBER**  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)

Regular Session of the Lackawanna City Council met in the Council Chambers, Council President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Jaworski.

**Meeting called to Order/Pledge of Allegiance**

**N.B. Meeting is being recorded.**

**Roll Call: Present:** Noman, Szymanski, Kulczyk, Schiavi, Jaworski

**Dept Heads: Present:** Law, Public Safety, Recreation, Development

**Absent:** Public Works

**Hearings from Citizens:**

Various concerns from John Ingram

**Approval of Minutes** of regular meeting held October 18, 2010.

Moved by Schiavi, seconded by Kulczyk to approve the minutes of 10/18/10.

Yeas: Noman, Kulczyk, Schiavi, Jaworski                      CARRIED 4-1

Nays: Szymanski

**Departmental Reports:**

1. City Compt. – AP Check Listing #8 – 09/30/10
2. City Compt. – AP Check Listing #9 – 10/07/10
3. City Compt. – AP Check Listing #10 – 10/14/10
4. City Compt. – AP Check Listing #11 – 10/22/10
5. City Clerk – Monthly Report October, 2010
6. City Treas. – Receipts deposited into General Fund October, 2010
7. City Compt. – AP Check Listing #12 – 10/29/10

Moved by Jaworski, seconded by Schiavi to receive and file the departmental reports one thru seven.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski                      CARRIED 5-0

**Communications from the Council:**

**Lackawanna Line Dance Jamboree:**

8. To: City Council  
I am asking for your support for the Lackawanna Line Dance Team to hold a jamboree on Friday, December 17, 2010 at the Senior Center. This event

will be held from 6:30 pm to 9:30 pm. They are requesting the use of 2 large coffee pots. The team will furnish their own coffee and coffee cups. They have previously held two successful Jamboree's which were enjoyed by all who attended.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Jaworski, seconded by Schiavi to approve the request.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Business Activities Registration:**

9. To: City Council

I am requesting your approval of the attached business ordinance for the registration of business activities in the City of Lackawanna. Thank you in advance for your support.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Jaworski, seconded by Szymanski to receive & file.

Yeas: Noman Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Communications from Department/Division Heads:**

**LMHA White Collar Employees Agreement:**

10. To: City Council

Please have the attached LMHA White Collar Employees Agreement Resolution on the agenda for Council approval. Thank you.

ARC. J. PETRICCA, CITY ATTORNEY

Moved by Jaworski, seconded by Noman to receive & file, act on resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Sale 30 Victory:**

11. To: City Council

Please put the attached ordinance for the sale of 30 Victory Avenue on the agenda for Council approval. Thank you.

ARC. J. PETRICCA, CITY ATTORNEY

Moved by Jaworski, seconded by Noman to receive & file, act on ordinance,

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Stormwater Management Practices:**

12. To: City Council

For your review, attached is information on Using Smart Growth Techniques as Stormwater Best Management Practices, and Fact sheet on green infrastructure.

RALPH D. MIRANDA, DIRECTOR OF DEVELOPMENT

Moved by Jaworski, seconded by Szymanski to receive & file.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Maintenance of Streets-Martin Rd. Subdivision & Albright Crt.**

13. To: City Council

I respectfully request that your Honorable Body pass the attached resolutions accepting both Martin Road Subdivision and Albright Court. The resolutions are required to add new roadways to the NYSDOT roadway inventory, which will positively affect our annual CHIPS payment from New York State.

THOMAS N. LOVE, COMMISSIONER OF PUBLIC WORKS

Moved by Jaworski, seconded by Noman to receive & file, act on resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Sale of 31 South St.- Islamic Mosque:**

Moved by Noman, seconded by Szymanski to remove from the table, item #3 meeting of October 4, 2010 – communication and ordinance approving the sale of 31 South Street to the Islamic Mosque.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

Moved by Noman, seconded by Szymanski to adopt the Ordinance approving the sale of 31 South Street to the Islamic Mosque.

Yeas: Noman, Szymanski

Nays: Kulczyk, Schiavi, Jaworski

MOTION FAILED 3-2

**Hold Bidding on Sale of 31 South Street:**

14. To: City Council

Please put the attached resolution on the agenda for Council approval.

Thank you.

ARC. J. PETRICCA, CITY ATTORNEY

Moved by Jaworski, seconded by Kulczyk to receive & file, act on resolution.

Yeas: Kulczyk, Jaworski

Nays: Noman, Szymanski, Schiavi

FAILED 3-2

**Commissioner of Deeds – Florika Miranda & Roxanne Sorensen:**

15. To: City Council

I am requesting Council approval to appoint myself and Roxanne Sorensen as Commissioner of Deeds. We are Partners in Elder Care Solutions of WNY,LLC, our commissions expire 12-31-2010. Thank you for your consideration.

FLORIKA E. MIRANDA

Moved by Schiavi, seconded by Jaworski to approve the request for Commissioner of Deeds.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**Tax Relief – Jacobi’s Restaurant:**

16. To: City Council

I am currently interested in re-opening my family’s business and reinvesting into Lackawanna. Jacobi’s Restaurant was founded by my late grandfather, John M. Jacobi over 45 years ago in Lackawanna. Throughout the years we have sponsored many local sports teams, donate and raised funds for numerous charitable and fundraising events in the area and hired and worked with hundreds of young people, adults, and their families. We also in the last 45 years in business paid over 1 million in taxes. I would like to appeal to the council for some type of tax relief given that I am willing to re-open and to guarantee an investment of \$100,000.00 into the business to beautify and increase the value of an acre of highly visible street frontage and to establish at least 30 jobs. Your consideration and assistance in this matter would be greatly appreciated. I would like to thank you for this opportunity to bring this matter to the council’s attention.

JOHN J. JACOBI

Moved by Szymanski, seconded by Jaworski to receive & file.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Resolution #34,2010**

**LMHA WHITE COLLAR BARGAINING AGREEMENT:**

**NOW, THEREFORE, BE IT**

**RESOLVED**, pursuant to Public Housing Law Section 32 the City Council does hereby approve the attached Lackawanna Municipal Housing Authority White Collar Employees Collective Bargaining Agreement.

**RESOLVED**, that this resolution shall take effect immediately.

Moved by Jaworski, seconded by Noman to adopt the resolution as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Resolution #35, 2010:**

**Street Maintenance-Martin Rd. Subdivision:**

**RESOLVED**, the Michelle Drive Subdivision which consists of newly constructed infrastructure along Love Terrace, Norman Way and Joseph Court is now complete and acceptable to the Department of Public Works, and it is further

**RESOLVED**, that the City Council authorized the Department of Public Works to maintain the newly constructed roadways in accordance with standard City of Lackawanna operations and procedures, and it is further

**RESOLVED**, that this resolution shall take effect immediately

Moved by Jaworski, seconded by Noman to adopt the resolution as written.

Yeas: Noman Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Resolution #36, 2010:**

**Albright Court Infrastructure-Street Maintenance:**

**RESOLVED**, the Albright Court infrastructure and roadway, which was constructed circa 2006 by the City of Lackawanna, has been overlooked and was never added to the NYSDOT Roadway Inventory which makes roads eligible for CHIPS funding, and it is further

**RESOLVED**, that the City Council authorized the Department of Public Works to maintain the Albright Court in accordance with standard City of Lackawanna operations and procedures as it has since it was originally constructed, and it is further

**RESOLVED**, that this resolution shall take effect immediately.

Moved by Jaworski, seconded by Noman to adopt the resolution as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Ordinance:**

**Sale of 30 Victory Avenue:**

**AN ORDANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY  
PURSUANT TO MUNICIPAL CODE SECTION 107.**

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the City Council hereby approves of the transfer of property known as SBL 142.38-3-9 to Michael J. Adams.

SECTION 2. That the transfer is made for the sum of \$1,500.00 cash to the City of Lackawanna. The deed shall contain a reverter clause providing for a reversion to the City unless the deed is recorded in the Erie County Clerk's Office within 30 days of its delivery.

SECTION 3. That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna.

SECTION 4. That the Law Department shall prepare documents to be executed for the transfer of the property.

Moved by Jaworski, seconded by Noman to adopt the ordinance as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Adjournment:**

Moved by Szymanski, seconded by Jaworski that the meeting be adjourned.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**JACQUELINE A. CAFERRO, CITY CLERK**





**COUNCIL MEETING**  
**MONDAY, NOVEMBER 22, 2010**  
**COUNCIL CHAMBER**  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)

Regular Session of the Lackawanna City Council met in the Council Chambers, Council President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Jaworski.

**Meeting called to Order/Pledge of Allegiance**  
**N.B. Meeting is being recorded.**

**Roll Call: Present:** Noman, Szymanski, Kulczyk, Schiavi, Jaworski  
**Dept Heads: Present:** Law, Public Works, Recreation, Development  
**Excused:** Public Safety

**Hearings from Citizens:**

Various concerns from John Ingram

**Approval of Minutes** of regular meeting held November 8, 2010.

Moved by Schiavi, seconded by Kulczyk to adopt the minutes of November 8, 2010 as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Departmental Reports:**

1. City Compt. – AP Check Listing #13, November 5, 2010.
2. City Compt. – AP Check Listing #14, November 8, 2010.

Moved by Jaworski, seconded by Schiavi to receive and file departmental reports 1 & 2.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Communications from the Mayor:**

**Federal Aid & State Marchiselli Program:**

3. To: City Council

I am requesting your Honorable Body approve the attached resolution regarding the Federal-Aid and State “Marchiselli” Program-Aid eligible costs of a Transportation Federal-project and appropriating funds therefore. Thank you in advance for your anticipated cooperation on this matter.

NORMAN L. POLANSKI, JR., MAYOR

Moved by Szymanski seconded by Noman to receive and file and file, act on the Ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Communications from the Council:**

**Business Registrations:**

4. To: City Council

I am requesting your approval of the attached business ordinance for the registration of business activities in the City of Lackawanna. Thank you in advance for your support.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Jaworski, seconded by Schiavi to receive and file, act on the ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Communication from Department/Division Heads:**

**Traffic Signal @ Abbott & North Dr.:**

5. To: City Council

On June 26<sup>th</sup>, 2009, I submitted a letter to your Honorable Body requesting that a green arrow traffic signal be added to the existing traffic signal at Abbott Rd. and North Dr. At that time the City Council approved this action. This has been over a year and no action was taken on the matter to have this completed. At this time I request that the City Council put this job out to bid, so this installation can be completed. Submitting this for your approval. Thank you.  
RICHARD STARTEK, DIRECTOR OF PUBLIC SAFETY

Moved by Jaworski, seconded by Schiavi to refer to Public Works to obtain quotes

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Sale 31 South Street:**

6. To: City Council

My office has received two offers for the above mentioned parcel from Lackawanna Islamic Mosque of 154 Wilkesbarre Ave. and the First Baptist Church at 320 Ingham Ave. in the amount of \$5,700. They will be purchasing the entire lot which is 9.1 (A) with an assessed value of \$20,000. The Islamic Mosque would be using the parcel for a cemetery while First Baptist Church would be using it for new construction.

FRANK E. KRAKOWSKI, CITY ASSESSOR

Moved by Jaworski, seconded by Noman to accept the Islamic Mosque bid of \$5,700.00 to purchase 31 South Street, refer to Law Department to prepare ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Sale 507-511 Ridge Road:**

7. To: City Council

My office has received an offer for the above mentioned property from Anthony Catuzza of 21 Beach St., in the amount of \$4,500. The parcel is approximately 84 x 150 the purchaser will be converting the property into apartments and parking lot. The current assessed value for the 2010 Tax Roll is \$55,100. The property is structurally sound and dry but is going to require extensive repair before occupancy can be given. It is my recommendation that the City Council NOT SELL the property to Mr. Catuzza for the sum of \$4,500 the price should be at least 30% of the assessed value or \$16,500.  
FRANK E. KRAKOWSKI, CITY ASSESSOR

AMENDMENT by Szymanski, seconded by Noman to amend the price to \$5,500.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

Moved by Jaworski, seconded by Schiavi to sell the property at 507-511 Ridge Road for the amended price of \$5,500.00, refer to the Law Department to prepare ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Sale of 17 Cooke Street:**

8. To: City Council

My office has received an offer for 21 Cooke St. SBL#142.45-1-7 from Stanley Susz of 17 Cooke Street in the amount of \$900. The parcel is approximately 32 x 124 the purchaser will extend his yard. The current assessed value for the 2010 Tax Roll is \$3,900. It is my recommendation that the Council SELL the property to Stanley Susz for the amount of \$900. If approved by the Council buyer shall be liable for all fees and cost of survey.  
FRANK E. KRAKOWSKI, CITY ASSESSOR

Moved by Jaworski, seconded by Schiavi to receive & file, act on ordinance

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Resolutions:**

**Marshiselli Program: Resolution No 37, 2010**

Authorizing the implementation and funding in the first instance 100% of the Federal-Aid and State "Marchiselli Program-Aid eligible costs of a Transportation Federal-Aid project and appropriating funds thereof.

WHEREAS, the project for Roadway and Signage Improvements on Ludel, Sandra. Della, Shannon and Josie Streets, in the City of Lackawanna, Erie County, Pin5757.73 (the project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal funds; and

WHEREAS, the City of Lackawanna desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Construction & Construction Inspection phase of the Project, PIN5757.73.

NOW, THEREFORE, the Common Council of the City of Lackawanna, duly convened does hereby

RESOLVE, that the Common Council of the City of Lackawanna hereby approves the above project; and it is hereby further

RESOLVED, that the Common Council of the City of Lackawanna hereby authorizes the City of Lackawanna to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction & Construction Inspection Phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$310,000 has been appropriated via City Resolution No. 29 adopted on July 7, 2008 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds the amount appropriated, \$310,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds \$615,000, the City of Lackawanna shall convene its Council as soon as possible to appropriate said excess amount immediately upon notification by the NYS Department of Transportation thereof, and it is further

RESOLVED, THAT THE Mayor of the City of Lackawanna is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the NYS Commissioner of Transportation by attaching it to any necessary Agreement in connection with the project, and it is further

RESOLVED, this resolution take effect immediately.

Moved by Jaworski, seconded by Noman to adopt the resolution as written

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**Ordinances:**

**Business Registrations:**

An Ordinance enacting Section 56 of the City Code of the City of Lackawanna, New York entitled and Ordinance for the registration of business activities in the City. (complete text on file in the City Clerk's Office).

Moved by Schiavi, seconded by Jaworski to adopt ordinance as written..

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Sale of 21 Cooke St.-Stanley Susz:**

Ordinance authorizing sale/transfer of property pursuant to Municipal Code 107

BE IT ENACTED by the City Council of the City of Lackawanna, NY as follows:

SECTION 1. That the City Council hereby approves of the transfer of property known as SBL142.45-1-7 a parcel approximately 32 feet by 124 feet to Mr. Stanley Susz.

SECTION 2. That the transfer is made for the sum of \$900 in cash to the City of Lackawanna.

SECTION 3. That he purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna.

SECTION 4. That the Law Department shall prepare documents to be executed for the transfer of the property.

Moved by Jaworski, seconded Schiavi, that the sale of 21 Cooke St. to Stanley Susz be approved.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Adjournment:**

Moved by Schiavi, seconded by Noman the meeting be adjourned

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

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CHUCK JAWORSKI, COUNCIL PRESIDENT

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BARBARA ROSINSKI, DEPUTY CLERK



**COUNCIL MEETING**  
**Monday, December 06, 2010**  
**COUNCIL CHAMBER**  
**www.ci.lackawanna.ny.us**

Regular Session of the Lackawanna City Council met in the Council Chambers, Council President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Jaworski.

**Meeting called to order/Pledge of Allegiance**  
**N.B. Meeting is being recorded.**

**Roll Call:** Present: Noman, Szymanski, Kulczyk, Schiavi, Jaworski  
**Dept. Heads:** Present: Law, Public Safety, Public Works, Recreation, Development

**Hearings from Citizens:**

**Approval of Minutes** of regular meeting held November 22, 2010.

Moved by Schiavi, seconded by Kulczyk to approve the minutes of November 22, 2010.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Departmental Reports:**

1. City Comp. – Statement of Cond. Of Appropriations of October 31, 2010.
2. City Compt. – AP Check Listing #15, November 17, 2010.
3. City Compt. – AP Check Listing #16, November 18, 2010.
4. City Clerk – Monthly report for November, 2010.

Moved by Schiavi, seconded by Kulczyk to receive and file the departmental reports one through four.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Communications from the Mayor:**

**Property Tax Cap – Mandate Relief:**

5. To: City Council

I am requesting your Honorable Body pass the attached Resolution regarding a Property Tax Cap must include Mandate Relief. Thank you in advance for your cooperation.

NORMAN L. POLANSK, JR. Mayor

Moved by Jaworski, seconded Noman to receive and file, act on resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Communication from the Council:**  
**Reinstate Bus Routes 36A & 42 on Ridge Road:**

6. To: City Council

I am asking for your support on the attached resolution for the reinstatement of bus route's No. 36A and 42 on Ridge Road for Saturday's and Sunday's. Your help in this matter is greatly appreciated.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Jaworski, seconded by Noman to receive and file, act on resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Rescind Resolution #8, 2010 Business Registration Fee:**

7. To: City Council

I am requesting your approval to rescind Resolution #8, 2010 establishing the Business Registration Fee for the City of Lackawanna. Thank you in advance for your support.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Jaworski, seconded by Schiavi to rescind Resolution #8, 2010.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Amend Section 56-15-Registration of Business Fee:**

8. To: City Council

I am requesting your support to amend Section 56-15 fees of registration of business activities in the City of Lackawanna.

CHUCK JAWORSKI, COUNCIL PRESIDENT

Moved by Jaworski, seconded by Schiavi to receive and file, act on ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Shut Down Child Pornography Websites:**

9. To: City Council

I submit for Council approval a resolution requesting Brian Higgins sponsor a bill in Congress to shut down any website containing child pornography to further protect the innocence of children. I appreciate your anticipated approval of said resolution.

GEOFF SZYMANSKI, 2<sup>ND</sup> WARD COUNCILMAN

Moved by Szymanski, seconded by Jaworski to receive & file act on resolution.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Commissioner of Deeds – Ralph Miranda:**

10. To: City Council

I am requesting Council approval to reappoint me as Commissioner of Deeds in the City of Lackawanna. My commissions expire 12-31-2010. Thank you for your consideration.

RALPH D. MIRANDA, ECONOMIC DEVELOPMENT DIRECTOR

Moved by Jaworski, seconded by Schiavi to approve the request.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Commissioner of Deeds – City Clerk Personnel:**

11. To: City Council

I request renewal of Commissioner of Deeds to the City Clerk's personnel: Jacqueline Caferro; Colleen Mure; Linda Smerka. Thank you for your consideration.

JACQUELINE CAFERRO, CITY CLERK

Moved by Kulczyk, seconded by Schiavi to approve the request.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Sale of 507 and 511 Ridge Road:**

12. To: City Council

Please put the attached Ordinance regarding the sale of 507 and 511 Ridge Road to Anthony R. Catuzza for the price of \$5,500, on the agenda for council approval, purchaser responsible for all expenses related to the transfer. Thank you.

ARC. J. PETRICCA, CITY ATTORNEY

Moved by Jaworski, seconded by Noman to receive & file, act on ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Sale of 31 South Street to Islamic Mosque:**

13. To: City Council

Please put the attached Ordinance for the sale of 31 South Street to the Lackawanna Islamic Mosque for the sale price of \$5,700, purchaser responsible for the costs related to the sale. Thank you.

ARC. J. PETRICCA, CITY ATTORNEY

Moved by Jaworski, seconded by Noman to receive & file, act on ordinance.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Communications from Citizens:**

**Commissioner of Deeds-Beverly Mazur, Sharon Bishop & Heather Pham:**

14. To: City Council

We hereby request appointment by your Honorable Body as Commissioner of Deeds for 2011-2012: Beverly Ann Mazur; Sharon Bishop; Heather Pham. Thank you for your consideration.

WILLIAM DELMONT, FRONT PAGE GROUP INC.

Moved by Kulczyk, seconded by Schiavi to approve the request.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Mary Novak – Parking Request:**

15. To: City Council

I am requesting permission for my guests to use both sides of Keever Ave. (from Electric to South Park Ave.), for parking on Friday, December 24, 2010 to attend my annual Christmas Party. Thank you.

MARY M. NOVAK

Moved by Jaworski, seconded by Szymanski refer to Public Safety.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Resolutions:**

**Property Tax Cap: Resolution #38, 2010**

A resolution establishing a Property Tax Cap to include Mandate Relief (Complete text on file in the City Clerk's Office)

Moved by Jaworski, seconded by Schiavi to adopt the resolution as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Reinstate Bus Route 36A and 42 on Weekends: Resolution #39, 2010**

**WHEREAS**, The City Council of the City of Lackawanna, NY, hereby is against the elimination of NFTA bus route No. 36A and No. 42 on Saturday's and Sunday's; and

**WHEREAS**, The City of Lackawanna, NY is the second largest city in the County of Erie; and

**WHEREAS**, Lackawanna has an aging population that depends on the services of the NFTA bus routes on weekends; and

**Whereas**, Many elderly and businesses utilize bus services and eliminating of the bus routes would not give our residents an opportunity to have this service available. Many of the residents will be inconvenienced and not able to travel to another location; and

**NOW THEREFORE BE, IT RESOLVED**, that the meeting of December 6, 2010 that a certified copy of this resolution be immediately dispatched to:

Lawrence Meckler, Executive Director, NFTA  
James Morrell, Acting Manager Planning, NFTA  
Senator Charles E. Schumer, NYS Senior Senator  
Senator Kristen Gillibrand, NYS Junior Senator  
Congressman Brian Higgins, NYS 27<sup>th</sup> Congressional District  
Assemblyman Mark Schroeder, NYS 145<sup>th</sup> Assembly District  
Assemblyman Jack Quinn, 146<sup>th</sup> Assembly District  
Legislator Daniel Kozub, Erie County Legislature

Moved by Jaworski, seconded by Noman to adopt the resolution as written

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Shutdown Child Pornography Websites:      Resolution #40, 2010**

**WHEREAS**, the World Wide Web has grown for faster than anticipated in the past decade; and

**WHEREAS**, many people have been incarcerated for downloading and/or viewing images of child pornography, there are for fewer arrests and imprisonment of people who own and/or operate these websites; and

**WHEREAS**, 18 U.S.C. Section 2257 Record Keeping Information ensures that producers of adult films must keep a detailed log of all actors, actresses, and models. Those who do not comply are violating U.S. law; and

**WHEREAS**, from time to time an international police coalition made raids and arrests on multiple websites hosts presenting or selling images and videos of child pornography, the timeliness is sparse, allowing new websites to enter into the fold and continue this brutal practice; and

**WHEREAS**, it is reported that these websites often accept credit cards to fund their operation. This should lead to a easily traceable trail of who and where the hosts of these websites are located, allowing law enforcers to make arrests and shut down these websites and protect children; and

**WHEREAS**, Congress must do more to end this brutal practice and protect children by concentrating on ending the problem of hosting child pornography and not allowing those seeking such images access. This must be done by ending these websites.

**NOW THEREFORE, BE IT RESOLVED**, that Councilman Szymanski respectfully requests Congressman Brian Higgins sponsor a bill in congress to shut down every website in the United States, or entering the United States, that depicts, sells, trades, advertises, produces, and/or shares images of child pornography to further protect the innocence of children, and be it further

**RESOLVED**, that funding a special federal unit to track down and terminate websites that depicts, sells, trades, advertises, produces, shares images of child pornography to further protect the innocence of children, along with imprisoning those who host, profit, distribute, and/or produce such material, is not an unreasonable request, and

**BE IT FINALLY RESOLVED**, that the faster this bill is passed in both houses of Congress the safer children will be throughout the world.

Moved by Szymanski, seconded by Jaworski the resolution be adopted as written

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**ORDINANCES:**

**New Business Registration Fee:**

An Ordinance amending Section 56-15 of the City Code of the City of Lackawanna, New York entitled and Ordinance for the registration of Business Activities in the City.

56-16. Fees.

Business Registration Certificate - \$20.00, a one time fee for any new business that opens within the City after January 1, 2011.

Moved by Jaworski, seconded by Kulczyk to adopt the ordinance as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Sale of property – Anthony Catuzza:**

An Ordinance authorizing the sale/transfer of property pursuant to Municipal Code Section 107.

**BE IT ENACTED** by the City Council of the City of Lackawanna, NY as follows:

**SECTION 1.** That the City Council hereby approves of the transfer of property known as SBL 142.37-2-11 and SBL 142.37-2-12 to Anthony Catuzza.

**SECTION 2.** That the transfer is made for the sum of \$5,500 cash to the City of Lackawanna. The deed shall contain a reverter clause providing for a reversion to the City unless the deed is recorded in the Erie County Clerk's Office within 30 days of its delivery.

**SECTION 3.** That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna.

**SECTION 4.** That the Law Department shall prepare documents to be executed for the transfer of the property.

Moved by Jaworski, seconded by Noman to adopt the Ordinance as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Sale of 31 South Street – Islamic Mosque:**

An Ordinance authorizing the sale/transfer property pursuant to Municipal Code Section 107.

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

**SECTION 1.** That the City Council hereby approves of the transfer of nine acres, known as 31 South Street, SBL 141.68-1-3.1 to the Lackawanna Islamic Mosque.

**SECTION 2.** That the transfer is made for the sum of \$5,700.00 cash to the City of Lackawanna. The deed shall contain a reverter clause providing for a reversion to the City unless the deed is recorded in the Erie County Clerk's Office within 30 days of its delivery.

**SECTION 3.** That the purchaser/transferee shall be responsible for expenses related to the transfer. The property is sold in its as is condition without any warranties or representation of its fitness for any purpose and the buyers acknowledge this property was listed on the DEC's contaminated properties list and is subject to any and all restrictions and consequences of any such listing.

**SECTION 4.** That the Law Department shall prepare documents to be executed for the transfer of the property to include covenants by the purchaser holding the City harmless and indemnifying it from any and all claims that may arise as a result of this transfer of title this property and any subsequent transfer by the buyer.

Moved by Schiavi, seconded by Noman to adopt the Ordinance as written.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Adjournment:**

Moved by Schiavi, seconded by Kulczyk the meeting is adjourned.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**BARBARA ROSINSKI, DEPUTY CLERK**







Moved by Jaworski, seconded by Szymanski to approve the transfer, City Comptroller to transfer \$600 from code A1620.443 for Micro Bio Air sampling for police department vaults.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Remove No Left Hand Turn Sign on to Lehigh Ave:**

5.      To:      City Council

I am requesting the sign on the Centennial Bridge indicating a no left hand turn on to Lehigh Avenue be removed. This has caused an inconvenience for the citizens who live in this area and I see no need for this sign. Thank you for your help in this matter.

ABDUL NOMAN, FIRST WARD COUNCILMAN

Moved by Jaworski, seconded by Kulczyk to table, refer to Traffic Safety Advisory Board for recommendation to the Council.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Reinstate Public Works Foreman Position:**

6.      To:      City Council

I request approval of resolution authorizing the position of Department of Public Works Foreman to be reinstated into the ranks of CSEA Local 815.

GEOFFREY SZYMANSKI, 2<sup>ND</sup> WARD COUNCILMAN

**Executive Session:**

Moved by Jaworski, seconded by Schiavi to move to Executive Session at 7:30 pm to discuss personnel

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Meeting Reconvened at 7:45 P.M.**

**Roll Call: Present:** Noman, Szymanski, Kulczyk, Schiavi, Jaworski

Moved by Szymanski, seconded by Kulczyk to table the resolution to reinstate the position of DPW Foreman and refer to the City Attorney for legal opinion.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski      CARRIED 5-0

**Communications from Department/Division Heads:**

**Rescind Municipal Code 66-17 – Dog Licenses:**

7. To: City Council

On January 1, 2011, per a measure passed into law by Governor Paterson, the onus of printing and collecting dog licenses will be the onus of the City Clerk's Office. I request approval of an ordinance rescinding Chapter 66-17 of the City of Lackawanna Municipal Code pertaining to kennel licenses. These dogs will now be licensed individually. Any questions or concerns please contact me.

JACQUELINE CAFERRO, CITY CLERK

Moved by Jaworski, seconded by Schiavi to receive and file, act on ordinance.

Yeas: Kulczyk, Schiavi, Jaworski

Nays: Noman, Szymanski

CARRIED 3-2

**Miscellaneous:**

**Commissioner of Deeds – Council:**

8. To: City Council

This letter serves as a request to your Honorable Body to renew the following names for Commissioner of Deeds thru December 31, 2012. The current licenses expire on December 31, 2010.

Chuck Jaworski, Council President

Geoffrey M. Szymanski, 2<sup>nd</sup> Ward Councilmember

Francis J. Kulczyk, 3<sup>rd</sup> Ward Councilmember

Marlene M. Kita, Council Secretary

MARLENE M. KITA, COUNCIL SECRETARY

Moved by Schiavi, seconded by Szymanski to approve the request.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**Commissioner of Deeds – Denise Fitzgibbons:**

9. To: City Council

I hereby request appointment by your Honorable Body as Commissioner of Deeds for 2010.

DENISE FITZGIBBONS

Moved by Jaworski, seconded by Schiavi to approve the request.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

**Commissioner of Deeds- Nancy Petricca & Joselyn Nieves:**

10. To: City Council

I request a Commissioner of Deeds re-appointment for Nancy Petricca, residing at 605 Ridge Road, Lackawanna, NY, and a Commissioner of Deeds re-appointment for Joselyn Nieves residing at 28 Eagan Drive, Lackawanna, NY. Thank you for your assistance.

ARC. J. PETRICCA

Moved by Schiavi, seconded by Kulczyk to approve the request.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Commissioner of Deeds – Court Personnel:**

11. To: City Council

I am hereby submitting a request or your approval in renewing the following Lackawanna City Court employees as Commissioner of Deeds:

Judith Crawford, Civil Clerk Sharon Derrick, Revenue Clerk

Lisa Gauthier, Chief Clerk

Thank you in advance for your consideration in this matter. If you need further information, please contact me at 6440.

LISA GAUTHIER, DEP. CHIEF CLERK

Moved by Jaworski, seconded by Schiavi to approve the request.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Ralph Dailey, Property Manager – Address Council:**

12. To: City Council

I write as property manager and on behalf of the Property owner, Mark Waldner. To date I have addressed the City Planning Board and Zoning Board in an effort to renovate this property which sits within the central business district. Both boards have agreed to the plans presented. The above process took over two years and at times involved disagreements between the City and property owner. During this time, Mr. Waldner did not pay the city taxes, as he was uncertain of the future with respect to his ability to rehab the property. There is no excuse for unpaid taxes but the extensive investment already undertaken to remedy the exterior of the building could not continue without the City's cooperation. Today, the City of Lackawanna has an opportunity to encourage a local property owner to invest further in the city by renovating a property that would bring long term benefit to the community including additional residents, taxes and economic growth. In order to ensure this opportunity continues on the right track, the property owner respectfully requests a waiver of some fees and interest accumulated on this account, partially as a result of the extensive process undertaken with the various city boards and departments.

For your reference I have attached the current City Treasurer print out showing the entire situation relating to this property. Time is running short on foreclosure, which is in part, where the City Zoning Board was motivated to address the matter. Your consideration in reducing some of the past due taxes, fees and interest would be a great investment in the community and the future of the subject property.

RALPH DAILEY for Mark Waldner

Moved by Szymanski, seconded by Jaworski to receive and file.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Resolutions:**

**Returning DPW Foreman-CSEA Local 815:**

**WHEREAS**, A foreman is the worker or tradesman who is in charge of a crew; and normally the foreman is a worker with many years of experience in a particular trade who is charged with organizing the overall implementation of a particular project, and

**WHEREAS**, the foreman is a person with working knowledge of all equipment who has moved into the position and is now focused on an overall management of all projects rather than any particular specialized group, and

**WHEREAS**, in 1985, the position of foreman was transferred from union to appointed, and

**WHEREAS**, this lateral move will be cost neutral and services provided will not be effected in anyway, and

**WHEREAS**, both CSEA Local 815 and CSEA International are willing to accept the position of foreman back into the union ranks.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the City Council acknowledges this lateral move from appointed to union, and be it further

**RESOLVED**, that the City Council authorizes the position of DPW Foreman to be reinstated into the ranks of CSEA Local 815.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Szymanski, seconded by Kulczyk to table the resolution and refer to the City Attorney for legal opinion.

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski CARRIED 5-0

**Ordinances:**

**Rescinding Chapter 66, Section 66.17 – Dog Licensing:**

**BE IT ENACTED** by the City Council that the Municipal Code, Chapter 66.17 is rescinded and re-enacted as follows:

**WHEREAS**, On June 22, 2010, Governor Paterson signed a measure into law as part of the 2010-2011 State Budget that moves the remainder of the dog licensing functions required by Article 7 of the Agriculture and Markets Law to the level of local government, and

**WHEREAS**, the new law also continues but significantly changes the New York State Animal Population Control Program calling for a remittance of \$3.00 per unsprayed/unneutered and \$1.00 per spayed/neutered dog be forwarded to the New York State Agriculture and Markets; and

**WHEREAS**, the onus for licensing said dogs, will now be on the City Clerk's Office of the City of Lackawanna; and

**WHEREAS**, commencing January 1, 2011, there will no longer be any kennel licenses issued for dogs harbored within the city limits, said dogs currently registered under kennel licenses shall now be licensed individually; and

**BE AND IT IS HEREBY ENACTED**, that section 66 of the City of Lackawanna Municipal Code is hereby rescinded; and is reinstated as follows: **Chapter 66.17**, that dogs currently licensed under the previous kennel licenses shall be exempt from the ordinance passed by the City Council on January 16, 2007 which limits the number of dogs to two (2) per household; however no additional dogs will be allowed to be kennel licensed after January 1, 2011. All kennel housing dogs in the city must be licensed individually.

**THIS ORDINANCE SHALL TAKE EFFECT AFTER THE SIGNATURE OF THE MAYOR**

Moved by Jaworski, seconded by Schiavi to adopt the ordinance as written.

Yeas: Kulczyk, Schiavi, Jaworski

Nays: Noman, Szymanski

CARRIED 3-2

**Adjournment:**

Moved by Kulczyk, seconded by Schiavi the meeting be adjourned

Yeas: Noman, Szymanski, Kulczyk, Schiavi, Jaworski

CARRIED 5-0

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**CHUCK JAWORSKI, COUNCIL PRESIDENT**

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**JACQUELINE CAFERRO, CITY CLERK**



**COUNCIL MEETING**  
**MONDAY, December 21, 2009**  
**COUNCIL CHAMBERS**  
[www.ci.lackawanna.ny.us](http://www.ci.lackawanna.ny.us)

**Regular session of the Lackawanna City Council met in the Council Chambers, Council President Chuck Jaworski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Jaworski.**

**Meeting called to order/Pledge of Allegiance**  
**NB: Meeting being recorded**

**ROLL CALL:** Present: Haxton, Szymanski, Kulczyk, Schiavi, Jaworski  
**DEPT. HEADS:** Present: Law, Public Works, Public Safety, Development, Comptroller  
Absent: Recreation, excused

**Approval of Minutes** of regular meeting of December 7, 2009.

Moved by Schiavi, seconded by Jaworski to approve the minutes as presented  
Yeas: Szymanski, Kulczyk, Schiavi, Jaworski  
Nays: Haxton

**CARRIED 4 – 1**

**Departmental Reports:**

1. City Compt. – A/P Check Listing #18, November 24, 2009.
2. City Compt. – A/P Check Listing #19, November 30, 2009.
3. City Compt. – A/P Check Listing #20, December 08, 2009.
4. City Compt. – Statement of Cond. Of Appropriations as of 11/30/09.

Moved by Jaworski, seconded by Schiavi to receive & file.  
Yeas: Szymanski, Kulczyk, Schiavi, Jaworski  
Nays: Haxton

**CARRIED 4-1**

**Communications from the Council:**

**Vehicle Actuated Signal Lights:**

5. To City Council

I am asking for your support for the resolution to the State Department of Transportation for vehicle actuated signal lights for:

Route 5 & Madison Ave; Route 5 & Dona St; Route 5 & Odell St.

Thank you for your cooperation in this matter.

**CHUCK JAWORSKI, COUNCIL PRESIDENT**

Moved by Jaworski, seconded by Haxton to receive and file, act on the resolution.  
Yeas: Haxton, Szymanski, Kulczyk, Schiavi, Jaworski

**CARRIED**

**Blueprint for Change Grant:**

6. To City Council

I am asking your support to approve the resolution for the Empire State Development Corp. Upstate Blueprint for Change Grant.

Thank you for your support.

**CHUCK JAWORSKI, COUNCIL PRESIDENT**

Moved by Jaworski, seconded by Schiavi to receive and file, act on the resolution.

Yeas: Haxton, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**Lemon St. Parking Signs:**

7. To Tom Love

I have received several calls from residents on Lemon Street regarding alternate parking. I am requesting alternate parking signs be put on Lemon Street for the residents. This should help with the parking problems on this street.

Thank you for your help in this matter.

**GEOFFREY M. SZYMANSKI, SECOND WARD COUNCIL MEMBER**

Moved by Szymanski, seconded by Haxton to approve the request, City Attorney to prepare the ordinance.

Yeas: Haxton Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**Permission to Address the Council:**

8. Honorable Council President and Councilmember's

As you all know December 21<sup>st</sup> is my last Council Meeting as First Ward Councilwoman, City of Lackawanna. I humbly request your permission to speak before your body. I wish to express my views on the past and share my vision on Lackawanna's future.

I thank you for this opportunity in advance.

**ANDREA HAXTON, FIRST WARD COUNCILWOMAN**

Moved by Haxton, seconded by Szymanski to approve the request.

Yeas: Haxton, Szymanski

Nays: Kulczyk, Schiavi, Jaworski **FAILED 3-2**

**Communications from Dept./Div. Heads:**

**Lease Agreement St. Stephen Serbian Church:**

9. City Attorney requests the St. Stephen Serbian Orthodox Church Lease Agreement be put on the agenda for council approval. Thank you.

**ARC. J. PETRICCA, CITY ATTORNEY**

Moved by Szymanski, seconded by Jaworski the agreement be tabled for study,

Yeas: Haxton, Szymanski, Kulczyk, Schiavi, Jaworski **TABLED 5-0**

**Ordinance Richardson Property Purchase:**

10. City Attorney requests the ordinance for the purchase of property by Shannon Richardson be put on the agenda for council approval. Thank you.  
**ARC. J. PETRICCA, CITY ATTORNEY**

Moved by Jaworski, seconded by Haxton to receive and file and act on the ordinance.

Yeas: Haxton, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**Bid to Purchase Wilkesbarre Property:**

11. To: City Council

My office has received an offer from Ali T. Elbanehn to purchase 54 Wilkesbarre for purpose of extending his yard. The current lot size is 35 x 100 with a current assessed value of \$3,700.

It is my recommendation that the City Council **NOT** sell the parcel to Ali T. Elbanehn for \$500. The recommended sale price should be \$1,200.

If approved by Council buyer shall be liable for all fees and cost of survey,  
**FRANK E. KRAKOWSKI, CITY ASSESSOR**

Moved by Jaworski, seconded by Szymanski to approve the sale to Ali T. Elbanehn for \$500. City Attorney to prepare ordinance.

Yeas: Haxton Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**Resolutions:**

**Resolution No. 35, 2009 – Route 5 Signal Lights:**

**Whereas**, Route 5 in the City of Lackawanna is designated a state road by the New York State Department of Transportation; and

**Whereas**, the approach onto Route 5 from Madison Avenue, Dona Street and Odell Street in the City of Lackawanna, has become a cumbersome and hazardous encounter for our citizens wishing to access the highway;

**NOW, THEREFORE BE IT**

**Resolved**, that the City Council of the City of Lackawanna, does hereby express their desire and recommends that the New York State Department of Transportation install vehicle actuated signal lights at the following locations: (1) Route 5 & Madison Ave.; (2) Route 5 & Dona St.; (3) Route 5 & Odell St.

**BE IT FURTHER RESOLVED**, that the City Clerk forward a copy of this resolution to Alan Taylor of the New York State Department of Transportation.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Jaworski, seconded by Szymanski to adopt the resolution as written.

Yeas: Haxton, Szymanski, Kulczyk, Schiavi, Jaworski **CARRIED 5-0**

**Resolution No. 36, 2009 – Blueprint for Change Grant:**

**WHEREAS**, The Our Lady of Victory Hospital was closed December 1999; and  
**WHEREAS**, a plan for the reuse of the OLV Hospital buildings was contemplated in 2002 to include 74 units of low and moderate income housing, an 84 all private room skilled nursing home, a new Program All-inclusive Care for the elderly (PACE) to serve up to 330 participants, expanded green space to include safe walking paths and gardens for the employees, the community and seniors, interior space including a museum to the hospital, chapel gift shop; and

**WHEREAS**, this plan will ultimately create 235 permanent jobs and over 400 construction related jobs due to the \$28.1 M renovation budget and contribute significantly to the Lackawanna economic community; and

**WHEREAS**, the Our Lady of Victory Renaissance Corp. was formed in 2003 as a 501c3 corporation as a wholly owned subsidiary of the Catholic Health system to become the company to collaboratively work within the Lackawanna community to reach the healthcare needs of the area simultaneously contributing to the economic development of the City; and

**WHEREAS**, the OLV Renaissance plan addresses the City of Lackawanna's Comprehensive Plan 2020 to develop a regional identity within Erie County that promotes the City as a unique and growing community (Population Policy 1.2), to develop senior housing (Population Action 2.2.2, Housing Policy 2.1) to develop retail activities in the central business district that will appeal to visitors of the Botanical Gardens and Basilica and increase their stay (Economy and Growth Action 3.1.2.Policy 7.1); and

**WHEREAS**, the OLV Renaissance plan intends to seek grant funding for 20% of total costs from Empire State Development Corporation to renovate two additional floors of the Bethlehem Taylor and Sullivan Buildings and add 60 administrative staff to the campus; and

**WHEREAS**, the OLV Renaissance Corporation seeks to leverage private funds equal to 80% of the total project; and

**WHEREAS**, the OLV Renaissance Corporation is supported by multiple private and public entities writing letters of support for this specific part of the OLV project in the context of the overall redevelopment of the former Hospital; and

**WHEREAS**, the OLV Renaissance Corporation and the OLV Senior Neighborhood redevelopment has significant regional impact with the reuse of historic buildings and former hospital and will likely increase the City of Lackawanna's economic and social viability.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Lackawanna will endeavor to be a strong supporter of the OLV Renaissance Corp. application for Upstate Regional Blueprint Funds from the Empire State Development Corp. and fully endorses the creation of 60 new jobs to the City of Lackawanna's central business district to be located at the OLV campus.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.**

Moved by Jaworski, seconded by Haxton to adopt the resolution as written.  
Yeas: Haxton, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**Resolution – Truck Routes:**

Moved by Haxton, seconded by Szymanski that the resolution Truck Routes to adopt an ordinance regulating truck routes, limiting overweight trucks on the roads of the City, limiting turns of oversized trucks and establishing truck routes within the City be **TABLED**.

Yeas: Haxton, Szymanski, Kulczyk, Schiavi, Jaworski      **TABLED 5-0**

**Resolution – State Environmental Quality Review Act:**

Moved by Haxton , seconded by Szymanski that the resolution-Truck Routes- in accordance with the state Environmental Quality Review Act, a negative declaration be **TABLED** for study.

Yeas: Haxton, Szymanski, Kulczyk, Schiavi, Jaworski      **TABLED 5-0**

**ORDINANCES:**

**Sale of Property to Richardson:**

AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY PURSUANT TO MUNICIPAL CODE SECTION 107.

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the City Council hereby approves of the transfer of property known as SBL141.43-6-34.1 a parcel approximately 60 feet by 101 feet to Mr. Shannon Richardson.

SECTION 2. That transfer is made for the sum of \$500 in cash to the City of Lackawanna.

SECTION 3 That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna.

SECTION 4. That the Law Department shall prepare documents to be executed for the transfer of the property.

**THIS ORDANCE SHALL TAKE EFFECT IMMEDIATELY.**

Moved by Jaworski, seconded by Haxton to adopt the ordinance.

Yeas: Haxton, Szymanski, Kulczyk, Schiavi, Jaworski      **CARRIED 5-0**

**Ordinance – Regulating Truck Routes:**

Ordinance to protect the public safety by regulating truck routes, limiting overweight trucks on City roads, limiting turns by oversized trucks and establishing penalties.

Moved by Jaworski, seconded by Kulczyk to AMEND the Ordinance to remove “penalties in regards”

Yeas: Kulczyk, Schiavi, Jaworski

Nays: Haxton, Szymanski

**CARRIED 3-2**

Moved by Jaworski, seconded by Haxton to TABLE the Ordinance for study.

Yeas: Haxton, Szymanski, Kulczyk, Schiavi, Jaworski      **TABLED 5-0**

Moved by Jaworski, seconded by Schiavi, meeting is adjourned.

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CHUCK JAWORSKI, COUNCIL PRESIDENT

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JACQUELINE CAFERRO, CITY CLERK